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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

ERIC DEVON MOORE

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

v.

DONALD J. TRUMP

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case:2:16-cv-14091
Judge: Friedman, Bernard A.
MJ: Majzoub, Mona K.
Filed: 11-18-2016 At 01:47 PM
CMP MOORE v. TRUMP (SO)

Jury Trial: ☑ Yes ☐ No
(check one)

Complaint for a Civil Case

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	ERIC DEVON MOORE
Street Address	4220 HOLCOMB ST.
City and County	DETROIT, WAYNE
State and Zip Code	MICHIGAN, 48214
Telephone Number	(313) 922-7796 (313) 282-3455
E-mail Address	ericdm45@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	DONALD J. TRUMP
Job or Title (if known)	U.S. PRESIDENT-ELECT
Street Address	TRUMP TOWER 725 5TH AVE.
City and County	NEW YORK
State and Zip Code	NEW YORK 10022
Telephone Number	
E-mail Address (if known)	

Defendant No. 2

Name	
Job or Title (if known)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (if known)	

Defendant No. 3

Name	
Job or Title (if known)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (if known)	

Defendant No. 4

Name	
Job or Title (if known)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (if known)	

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than $75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

QUI TAM (31 U.S.C. § 3729(a)), AND
ANTI TRUST (CLAYTON ACT 15 U.S.C. § 12-17
19 CFR 176.11 PROCEEDING IN INT'L COURT

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual
The plaintiff, *(name)* ERIC D. MOORE,
is a citizen of the State of *(name)* MICHIGAN.

b. If the plaintiff is a corporation
The plaintiff, *(name)* ____________________,
is incorporated under the laws of the State of *(name)*
____________________, and has its principal place of business in the
State of *(name)* ____________________.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual
The defendant, *(name)* ____________________, is a citizen of the
State of *(name)* ____________________. *Or* is a citizen of *(foreign nation)* ____________________.

b. If the defendant is a corporation
The defendant, *(name)* DONALD J. TRUMP, is incorporated
under the laws of the State of *(name)* NEW YORK, and
has its principal place of business in the State of *(name)*
NEW YORK. *Or* is incorporated under the laws of
(foreign nation) ____________________, and has its principal place
of business in *(name)* ____________________.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than $75,000, not counting interest and costs of court, because *(explain)*:

$ 1B (+) 7% RESIDUAL ANNUALLY (LIFE)

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

REF. TO ATTACHMENT

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

$ 1B (+) 7% RESIDUAL (ANNUAL-LIFE)

REF. TO ATTACHMENT

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: NOV. 18, 20 16.

Signature of Plaintiff: Eric D. Moore

Printed Name of Plaintiff: ERIC D. MOORE

Additional Information:

UNITED STATES DISTRICT COURT

For the

Eastern District of Michigan

Eric Devon Moore, unk [LOCK-BOX](Plaintiff)	v.	Donald J. Trump, U.S. President Elect
4220 Holcomb St.		Trump Tower Headquarter Office
Detroit, Michigan 48214		725 5th Ave., New York, NY 10022

Cc: U.S. COURT OF INTERNATIONAL TRADE (USCIT), 1 Federal Plaza, New York, NY 10278

Eric Devon Moore, unk, November 16, 2016

COMPLAINT and MOTION ORDER-TO-STAY& INJUCTION

COMPLAINT: Complainant/petitioner allege that U.S. Presidential Elect, Donald J. Trump's effort to steal twenty-three (23) years of Complainant/petitioner's active work [LOCK-BOX], which is under 19 CFR 176.11—Protest proceeding to the USCIT.

Complainant/petitioner seeks the COURT's Discretion, establishing the Security of the Adverse Party during the pendency of the STAY/INJUNCTION. See Fed. R. Civ. Proc. Rules 62(b) and 62(c).

Complainant/petitioner humbly motions the COURT, in inference as Pro se. Complainant/petitioner's complaint also request ORDERS-TO-STAY/INJUNCTION on U.S. International Trade Efforts, which willfully attempts to take from Complainant/petitioner's intellectual property: The [LOCK-BOX] petition-brief(attached) (see The Tariff Act of 1930) to support as their very own in the Trump Administration during [LOCK-BOX's] transmission to USCIT. See 19 CFR 176.11.

RULE 62(b). STAY ON MOTION FOR JUDGEMENT

The COURT has discretion to establish conditions for the Security of the Adverse Party during the pendency of the STAY.

The court has discretion not only to order a stay pending post-trial motions, but may order the movant to post security, including the amount of the judgement and interest, during the period of the stay. The court may also require the bond to include costs and damages for delay or any other loss that may result during the period of the stay. Additionally, the court may order the movant to provide written notice to the opposing parties of any material disposition of the movant's assets.

When the court denies a stay pending disposition of a post-trial motion, judgment is binding (and may be enforced) until vacated by the court or reversed on appeal.

RULE 62(c). INJUNCTION PENDING APPEAL

Rule 62(c) authorizes the district judge or a district court of three judges having granted, dissolved, or denied a preliminary or final injunction to stay its decision or grant other interim relief pending appeal. (See A&M Records, Inc. v. Napster, Inc., 284 F.3d 1091, 1099, (9th Cir. 2002) (Rule 62(c) "authorizes a district court to continue supervising compliance with the injunction." Affirming district court's decision to continue to supervise defendant's compliance with injunction.)).

Rule 62(c) expressly covers interlocutory as well as final judgments in injunction cases and applies to cases where the court has denied an injunction as well as granted an injunction. However, the district court may not dissolve an injunction that has been appealed. Instead, the court may only modify the injunction while it is being appealed, with the purpose of maintaining the status quo. (See e.g., Mayweathers v. Newland, 258 F.3d 930, 935 (9th Cir. 2001) (filing of notice of appeal generally strips district court of jurisdiction over case, but Rule 62(c) is exception; under Rule 62(c) district court may issue second injunction while first injunction does not change status quo); National Resources Defense Council v. Southwest Marine, Inc., 242 F.3d 1163, 1166 (9th Cir. 2001) (Rule 62(c) gives district court authority only to take steps to maintain status quo while case is pending on appeal; district court has no authority to re-visit the merits of case on appeal)).

The movant should first assert the motion in the district court. If the district court denies relief or the district court provides inadequate relief, the movant may assert the motion in the court of appeals. Where submission to a panel would prejudice the movant, the motion can be made to a single judge of the court of appeals. In extraordinary circumstances, pending disposition of an application for writ of certiorari and during the pendency of an appeal to the court of appeal or from a final judgment of the court of appeals, a single justice of the Supreme Court, sitting as a single Circuit Justice, may take any action provided in Rule 62(g). In addition, a judge of the court rendering the judgment may grant a stay on application for writ of certiorari to the Supreme Court.

Rule 62(c) authorizes the court to issue a stay to maintain the status quo or the effectiveness of the final judgment during the pendency of an appeal. When a party makes a motion under 62(c), the courts will require the movant to show the following elements: (a) a strong likelihood of success on the merits of the appeal; (b) that unless the motion is granted the movant will suffer irreparable injury; (c) no substantial harm will come to other interested parties; and (d) a grant of the motion will not harm the public interest. The courts have often balanced the irreparable injury to the movant if the court did not issue the stay against the harm the stay would cause to the other parties and to the public. The governing consideration are the same whether the party applies to the district court or to the appellate courts under Rule(g).

Thus, it is alleged that President-elect, Donald J. Trump (administration) will proceed with his trade agenda by striping facts, material, time, and costs from the [LOCK-BOX] without justly compensating Complainant/petitioner for 23 years of unmeasured lose. It is, thereby, asked of the COURT to provide Security to Adverse Party, ORDER movant to Post-trial Security. COURT ORDERS of STAY/INJUNCTION (from September 2016—until USCIT closure) hold all trade laws/rules/regulations/events currently in place under the Tariff Act of 1930, as it is to date, until [LOCK-BOX] is fully adjudicated. [LOCK-BOX's] action will require the amending of the Tariff Act of 1930—OR—the ratification of a NEW ACT which creates an equilibrium for fair international trade in the U.S./WORLD Markets.

By the COURT taking up this Complaint, including Motions to Stay and Injunction, prevents any likeness nor character nor content nor law cited within the [lock-box] petition, proceeding to the USCIT, from being willfully striped from Eric Devon Moore-unk, Plaintiff by Donald J. Trump, President-elect, Defendant.

Eric D. Moore, unk

[LOCK-BOX]

4220 Holcomb St.

Detroit, MI 48214

Ericdm45@gmail.com

) Mr. R. Gil Kerlikowske, CBP Commissioner

) U.S. COURT OF INTERNATIONAL TRADE

) 1300 Pennsylvania Ave. NW

) Washington, D.C. 20229

) or acting, Commissioner

Eric Devon Moore, unk

[LOCK-BOX], September 15, 2016

[LOCK-BOX 1.0] PETITION

Title 19 C.F.R. Part 175—Petition by Domestic Interested Parties of subpart A Section 175.3; Notice of Filing of Petition of Subpart C Section 175.21, prior to Title 19 C.F.R. Part 176—Proceeding in the United States Court of International Trade (USCIT); AUTHORITY: R.S. 251, as amended, 759; 19 U.S.C. 66, 1516, 1624, Unless otherwise noted. Section 175.21 also under 5 U.S.C. SOURCE: T.D. 70-181, 35 FR 13432, Aug. 22, 1970, unless otherwise noted; and This part deals with service of [summons] and [notice] of appeal in actions before the Court of International Trade, the transmission of records to the court, statement of agreed facts, and Customs procedures following a decision by the court: [LOCK-BOX].

Pursuant to Moore v. Obama, Case No. 2:16-cv-11635, U.S. Dist. S.E. Mich., (May 6, 2016); Petitioner/Pro se has the right to have Petition/Argument against:

Processual: Presidential Discretion (Obama), (see 1924, 34 Op. Atty. Gen. 77), [TPP]

v.

CONSTITUTIONAL LAW (VIOLATION), see [LOCK-BOX]

In light of, Moore v. Obama [IMPEACHMENT – FOIA processing], U.S. Dist. (above), Petitioner/Pro se alleges: Constitution of the United States. Art. II, Section 1. Cl. 6. In case of the removal of the President from office...; Art. XXV Procedure to be followed in the event of the death or disability (fitness in U.S. Economy – International Trade Policy) of the President (USCBP and USITC). Section 1.—In case of the removal of the President from office or his death or resignation, the Vice-President shall become President; and Art. I., Section 8—(Powers of Congress), 1. The Congress shall have power: To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States..; and 3. To regulate commerce with foreign nations, and among the several states, and with Indian tribes. Title VII National Origin of the Civil Rights Act and U.S. Constitution, Article XIV Citizenship Rights Not to Be Abridged, "1. All persons born or naturalized in the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws." The Preamble to The Constitution of the United States reads, We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessing of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America. Article III Section 3—(Treason defined. Proof of. Punishment of.) 1. Treason against the United States shall consist only in levying war against them, or adhering to their enemies, giving them aid and comfort....

This petition cite to: [T.D. 70-181, 35 FR 13432, Aug. 22, 1970, as amended by T.D. 80-271, 45 FR 75642, Nov, 1980]. Whereby, this part set forth the procedure applicable to requests by domestic interested parties for... rate of duty applicable to designated [AND ALL] imported merchandise, and to petitions alleging the appraised value is too low,... or that the proper rate of duty is not being assessed upon designated [AND ALL] imported merchandise which is claimed to be similar to the class or kind of merchandise manufactured, produced, or wholesaled by the petitioner's parties.

Title 19 U.S.C.A. Section 1336, Customs Duties, Chapter 4, Tariff Act of 1930, Subtitle II, Special Provisions, Part II United States International Trade Commission (USITC), Section 1336 Equalization of Costs of Production, decision note 1. Constitutionality:

This section was not invalid as {delegating} legislative power to President or because authorizing tax for purpose other than revenue. J.W. Hampton, Jr., and Co. v. U.S., U.S. Cust. App. 1928, 48 S.Ct. 348, 276 U.S. 394, 72 L.Ed. 624. See, also Frischer and Co., Inc. v. Bakelite Corporation, 1930, 39 F.2d 247, 17 CCPA 494, certiorari, denied 51 S.Ct. 29; 282 U.S. 852, 75 L.Ed. 755; U.S. v. Fox River Butter Co. 1932, 20 CCPA 38.

-AND-

Constitutional Law – Thomson, Reuters: West Group, Westlaw Key Number 2428. {Critically Important to this case, removed}.

NOTE:

Historically, by looking back to 1963, we knew of an [OPTIMISM]: President John F. Kennedy's speech to American University, as profiled by Pierre Salinger. It was perhaps the clearest expression of the president's 1963 world view, and surely forecast of the foreign policy direction of the United States. An easing of tensions with the Soviet Union and a withdrawal of troops from Vietnam, while Nikita Khrushchev in attendance. To Averell Harriman, Khrushchev said, "It was the greatest speech by an American president since Franklin Roosevelt." Not coincidentally, the speech was the first in years to be broadcast over Voice of America to Russia and middle Europe. Soviet newspapers carried the entire text of the speech within days. A few lines from this most radiant speech:

"There are few earthly things more beautiful than a university," wrote John Masefield, in his tribute to English universities –and his words are equally true today. He did not refer to spires and towers, to campus greens and ivied walls. He admired the splendid beauty of the university, he said, because it was "a place where those who hate ignorance may strive to know, where those who perceive truth may strive to make others see."

"I have, therefore, chosen this time and this place to discuss a topic on which ignorance too often abounds and the truth is too rarely perceived—yet it is the most important topic on earth: world peace."

"What kind of peace do I mean? What kind of peace do we seek? Not a Pax Americana enforced on the world by American weapons of war. Not the peace of the grave or the security of the slave. I am talking about genuine peace, the kind of peace that makes life on earth worth living, the kind that enables men and nations to grow and to hope and to build a better life for their children—not merely peace for Americans but peace for all men and women—not merely peace in our time but peace for all time."

"I speak of peace because of the new face of war. Total war makes no sense in an age when great powers can maintain large and relatively invulnerable nuclear forces and refuse to surrender without resort to those forces. It makes no sense in an age when a single nuclear weapon contains almost ten times the explosive force delivered by all of the allied air forces in the Second World War. It makes no sense in an age when the deadly poisons produced by a nuclear exchange would be carried by wind and water and soil and seed to the far corners of the globe and to generations yet unborn."

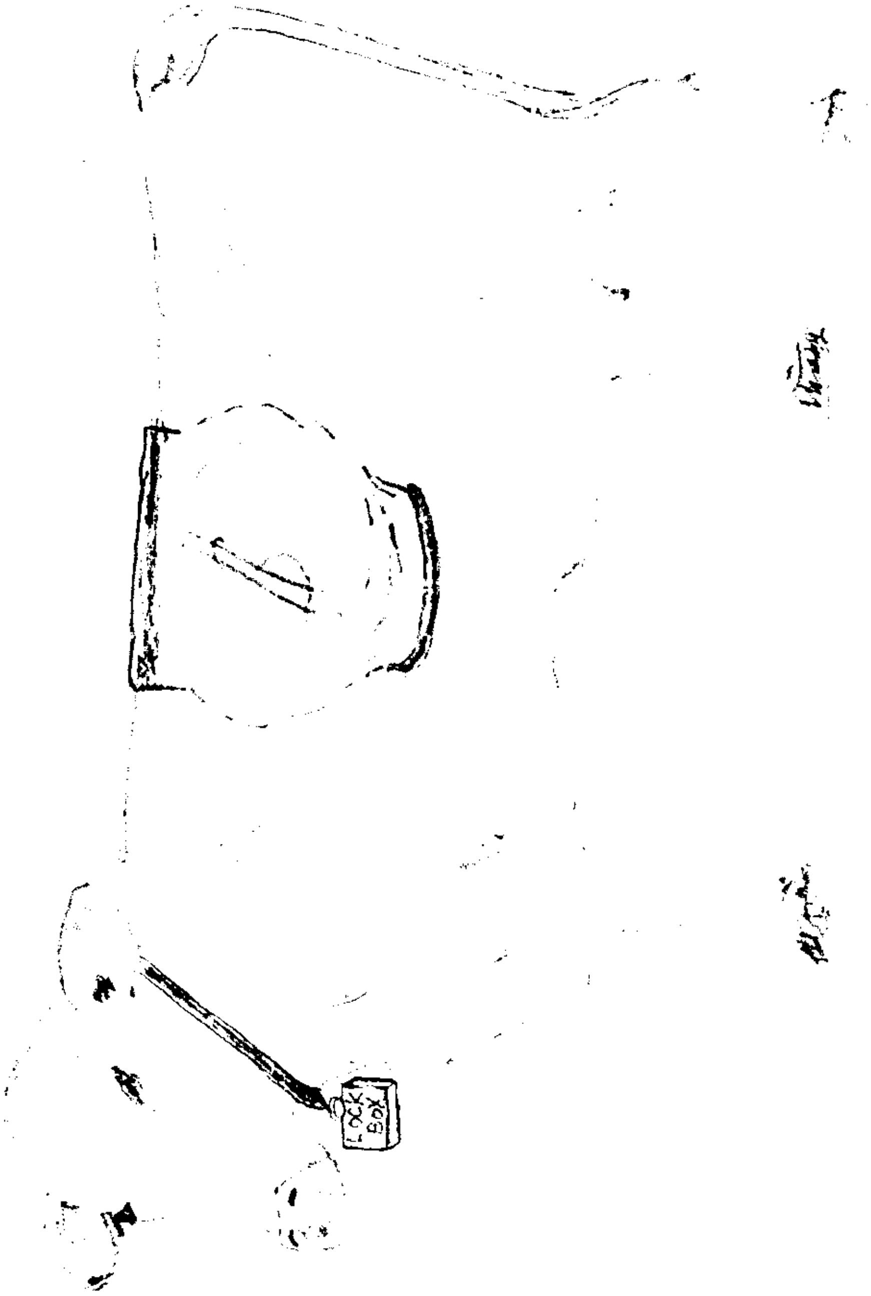
"Some say that it is useless to speak of world peace or world law or world disarmament—and that it will be useless until the leaders of the Soviet Union adopt a more enlightened attitude. I hope they do. I believe we can help them do it. But I also believe that we must reexamine our own attitude—as individuals and as a nation—for our attitude is as essential as theirs. And every graduate of this school, every thoughtful citizen who despairs of war and wishes to bring peace, should begin by looking inward—by examining his own attitude toward the possibilities of peace, toward the Soviet Union, toward the course of the cold war and toward freedom and peace here at home."

A NATIONAL OUTLOOK FROM PRESENT TERM:

With the National Deficit fast approaching $20 Trillion Dollars, without congress offering any viable solutions To: Bring down national debt; paying for the longest war in U.S. history – including paying for the secured retirement promised Americans via social security; re-building the deluge of damaged infrastructure (roads, bridges, dams, water treatments, gov't buildings, schools, etc...; thereby, supplying public jobs (which creates synergy for robust private-sector based employment), thus, allowing for the investment in education, other, other, other). This devastation of selling off America via Trade –or- just giving its assets away for the top 1 percent (aristocrats), only to profit, negatively impacts AMERICAN-LABOR and REVENUE. Therefore, now comes [LOCK-BOX].

IN INTERPRETING THE FOLLOWING PROBLEM, WE LEARN OF A NEW OPTIMISM:

A CASH COW


LOCK BOX

STORY: If a cow... walks up to you... out of the blue, wearing a satchel full of money... what would you do? A cow. A cash cow. A good milk producing cow. IMAGINE: "You are sitting in your backyard enjoying a deliciously, perfect cup of morning coffee –and- within your perfectly manicured, privately fenced backyard –then- up walks Betsy. A cow. A cash cow." So again, I ask you: If a cow walks up to you... out of the blue, wearing a satchel full of money... what would you do? Do you: (a.) Report the perhaps missing cow; (b.) Take the money; or (c.) Take the money—and milk the cow too.

The correct answer is (c.) Take the money—and milk the cow too. AND HERE IS HOW:

PETITIONER'S REQUEST: RATIFICATION OR AMENDMENT TO THE TARIFF ACT OF 1930. AMENDMENT TO INCLUDE THE REVISION/REPEAL OF HISTORICAL AND STATUTORY LEGISLATIVE REPORTS:

1956 Acts. Senate Report No. 2560 and Conference Report No. 2866, see 1956 U.S. Code Cong. And Adm. News, p. 4179;

1958 Acts. Senate Report No. 1838 and Conference Report No. 2502, see 1958 U.S. Code Cong. And Adm. News, p. 3609. Section 154 to 159, referred to in subsec. (k), were repealed by section 651(a)(1) of Act June 17, 1930;

1979 Amendments. Subsec. (b) Pub.L. 96-39, sec. 202(a)(2)(A), struck out subsec. (b) which related to the setting of ad valorem rates based upon the American selling price of domestic articles as would be necessary to equalize differences in the costs of production:

Subsec. (c) Pub.L. 96-39, sec. 202(a)(2)(B), substituted "changes in classification specified in any report" for "changes in classification and in basis of value specified in any report";

Subsec. (d). Pub.L. 96-39, sec. 202(a)(2)(C), substituted "changes in classification specified in the report" for "changes in classification or in basis of value specified in the report";

Subsec. (f). Pub.L. 96-39, sec. 202(a)(2)(C), substituted "change in classification which has taken effect" for "change in classification or in basis of value which has taken effect";

Subsec. (j). Pub.L. 96-39, sec. 202(a)(2)(D), struck out subsec. (j) which authorized the Secretary of the Treasury to make necessary rules and regulations for the entry and declaration of foreign articles with respect to which a change in the basis of value had been made;

Subsec. (k). Pub.L. 96-39, sec. 202(a)(2)(C), substituted "changes in classification or increases or decreases" for "changes in classification or in basis of value or increases or decreases";

1958 Amendments. Subsec. (a). Pub.L. 85-686 eliminated provisions which authorized the commission to adopt such reasonable procedure and rules and regulations as it deemed necessary to execute its functions under this section. See section 1335 of this title;

1956 Amendments. Subsec. (b). Act Aug. 2, 1956, eliminated "(as defined in section 1402(g))" following the words "selling price";

1979 Acts. Amendment by Pub.L. 96-39 effective July 1, 1980, see section 204(a) of Pub.L. 96-39, set out as a note under section 1401a of this title; and

1956 Acts. Amendment by Aug. 2, 1956, effective only as to articles entered, or withdrawn from warehouse, for consumption on or after the thirtieth day following publication of the final list provided for in section 6(a) of said Act, set out in note under section 1402 of this title, see section 8 of Act Aug. 2, 1956, set out as a note under section 1401a of this title.

PETITIONER REQUEST FOR A RETURN OF LIKENESS AND CHARACTER FOUND IN ACT SEPT. 21, 1922, c. 356, TITLE III, SECTION 315, 42 STAT. 941. THIS SECTION WAS SUPERSEDED BY SECTION 336 OF THE TARIFF ACT OF 1930, COMPRISING THIS SECTION, AND WAS REPEALED BY SECTION 651(a)(1) of the 1930 ACT.

In order for Congress to be retroactive in effect, Petitioner cite to: Feltex Corporation v. Dutchess Hat Works. United States v. Same. Customs Appeal Nos. 3640, 3641, Court of Customs and Patent Appeals, Feb. 5, 1934: Where, each of the judges of the Customs Court, First Division, handed down an opinion. The principal opinion was written by Judge McClelland, and concurring opinions were written by Judge Sullivan and Brown. Judges McClelland and Sullivan concurred in holding the proclamation of the President ultra vires. Judge Brown concurred in the conclusion that appellee's protest should be sustained, but solely upon the ground that section 336, supra, is unconstitutional. In 2016, Petitioner/Pro se, [LOCK-BOX] now takes up 'Feltex ', questioning the constitutionality of "Presidential Discretion" and "section 1336" current uses?

NOTE: CONSTITUTIONAL LAW – Thomson, Reuters – West Group, Westlaw Key Note No. 2428 – CONSTITUTIONAL LAW, found within 19 U.S.C.A. section 1336 – Equalization of Costs of Production. Critically Important to this case, Key Note No. 2428, removed from legal research by Wayne State University (WSU): Law School Library, Detroit, Michigan. While PETITIONER/PRO Se was conducting legal research for this case (after the legal research conducted for SCHEDULE-A (5 C.F.R. 213.3102(u)) submitted to U.S. Attorney General, Loretta E. Lynch) within (WSU), S.E. Michigan's legal hub for researching federal cases to be filed with U.S. District Court, Detroit. This hub allows indigent population (housing units range from $5,000 - $25,000) of inner-city Detroit the opportunity to litigate their rights afforded by the U.S. Constitution and varies laws, where legal representation fails; and, not the next legal-hub where housing units range from $250,000 to $500,000. Westlaw Key No. 2428 CONSTITUTIONAL LAW restricted mid-research without NOTICE.

Notwithstanding, legal research (allowed) finds: Title 19 CFR Part 175 - - Petition by Domestic Interested Parties [Lock-Box] Request: Pursuant to 516, Tariff Act of 1930, as amended (19 U.S.C. 1516). Jurisdiction: 28 U.S.C. Section 1515 [Determination/Exclusion] – and – [Rate of Duty] increase upon [ALL] imported merchandise (3 copies via FedEx) submitted to the Commissioner of Customs (CBP), in light, of Moore v. Obama U.S. Dist. S.E. Mich., case number 2:16-cv-11635, submission request of Title 19 CFR Part 175, Subpart 175.1. 19 CFR 175.2 (c) - - Ascertainment of Differences in Costs of Production, U.S.C.A. Title 19 Customs Duties, Chapter 4 Tariff Act of 1930, Subtitle II Special Provision, Part II United States International Trade Commission Section 1336 Equalization of Costs of Production. The term "Costs of Production," when applied with respect to either Domestic Article or Foreign Article: (A) The Price or Cost of Materials, Labor Costs...; and (C) Other relevant factors that constitute an advantage or disadvantage in competition.

Again, we find The People vs. Aristocrats, as in President Lincoln's pen of 'The Gettysburg Address,' where the People vs. Aristocrats as taken from Benjamin P. Thomas' 'Abraham Lincoln.'

"Our enemies too see it in the same light. Aristocrats and the Despots of the old world see that our quarrel is that of the People against Aristocrats....

"My suggestion then is that you should seize an early opportunity and any subsequent chance to teach your great audience of *plain people* that the war is not North against South but *the People against the Aristocrats*. If you can place this in the same strong light that you have the Negro question you will settle it in men's minds as you have that."

The simple artistry of Lincoln's language and the impressive earnestness of his appeal indicate the depths of emotion under which he wrote. Perhaps he pictured the setting in his mind—the blue haze softening the outline of the hills where two great armies had locked in stubborn combat for three days; the valley across which brave men, who fought for the right as it was given them to see the right, had swept to death against the Union guns; the ridge where the Union boys hung on with such grim resolution, meeting those brave men with equal bravery.

In that valley, quiet once again, and on those rocky ridges, the President knew he would see thousands of wooden crosses, marking the temporary graves of both Northern and Southern boys, for whom this cemetery would provide a final resting-place. There would be no exultation in his message—Lincoln had never had it in his heart to condemn the South. His thoughts went back to the Founding Fathers, then forward into the far reach of time.

"Four score and seven years ago," he said "our fathers brought forth upon this continent, a new nation, conceived in Liberty, and dedicated to proposition that all men are created equal.

"Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived, and so dedicated, can long endure. We are met on a great battle-field of that war. We have come to

dedicate a portion of it, as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.

"But in a larger sense we can not dedicate—we consecrate—we can not hallow this ground. The brave men, living and dead, who struggled here, have consecrated it far above our poor power to add or detract. The world will little note, nor long remember, what we say here, but it can never forget what they did here. It is for us, the living, rather to be dedicated here to the unfinished work which they have, thus far, so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they here gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain; that this nation under God shall have a new birth of freedom; and that government of the people, by the people, for the people, shall not perish from the earth."

Petitioner-Pro se, Eric Devon Moore (hereinafter collectively [Lock-Box]) alleges that the Obama administration including the United States Government (U.S. Customs and Border Protection and U.S. International Trade Commission) Policy of the Obama Administration have engaged in a title VII Disparate Impact Theory, PATTERN or PRACTICE of discrimination against [U.S.] Domestic LABORERS (manufactured, mined, produced, or wholesaled) of National Origin for relief of Foreign Laborers, who receives lower wages.

Title VII Sec. 707(a) of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000e-6(a) COMPLAINT: Whenever the Attorney General of the United States has reasonable cause to believe that any person or group of person is engaged in a PATTERN or PRACTICE of resistance to the full enjoyment of any of the rights secured by this subchapter, and that the PATTERN or PRACTICE is of such a nature and in intended to deny the full exercise of the rights herein described, the Attorney General may bring a civil action in the appropriate district court of the United States by filing with it a COMPLAINT (1) signed by him (or in his absence the Acting Attorney General), (2) setting forth facts pertaining to such PATTERN or PRACTICE, and (3) requesting such relief, including an application for a permanent or temporary injunction, restraining order or other order against the person or persons responsible for such PATTERN or PRACTICE, as he deems necessary to insure the full enjoyment of the rights herein described. This COMPLAINT was denied by the U.S. Department of Justice, President's Obama Administration, on October 21, 2015.

Petitioner-Pro se re-assert the right to COMPLAINT/PETITION U.S. Court of International Trade: PATTERN or PRACTICE(S) of deliberate indifference by President Obama Administration, Department of Justice, Civil Rights Division, denied COMPLAINT on October 21, 2015, in the President's first and second term in office. The aggrieved person (Eric Devon Moore) suffered years of 1st amendment and 4th amendment rights violations, Privacy and Freedom of Press and Religion, respectfully, (see 18 U.S.C.A. Ch. 119 Sec. 2516 – Sec. 801 of Pub.L. 99-351(d) see also (10 U.S.C. Sec. 2305(g) Protection of

Contractor Proposal (concept), including 50 U.S.C. 403-3(c) (6) National Security Act of 1947, Subsection 102(d)(3), Intelligence Sources and Methods:

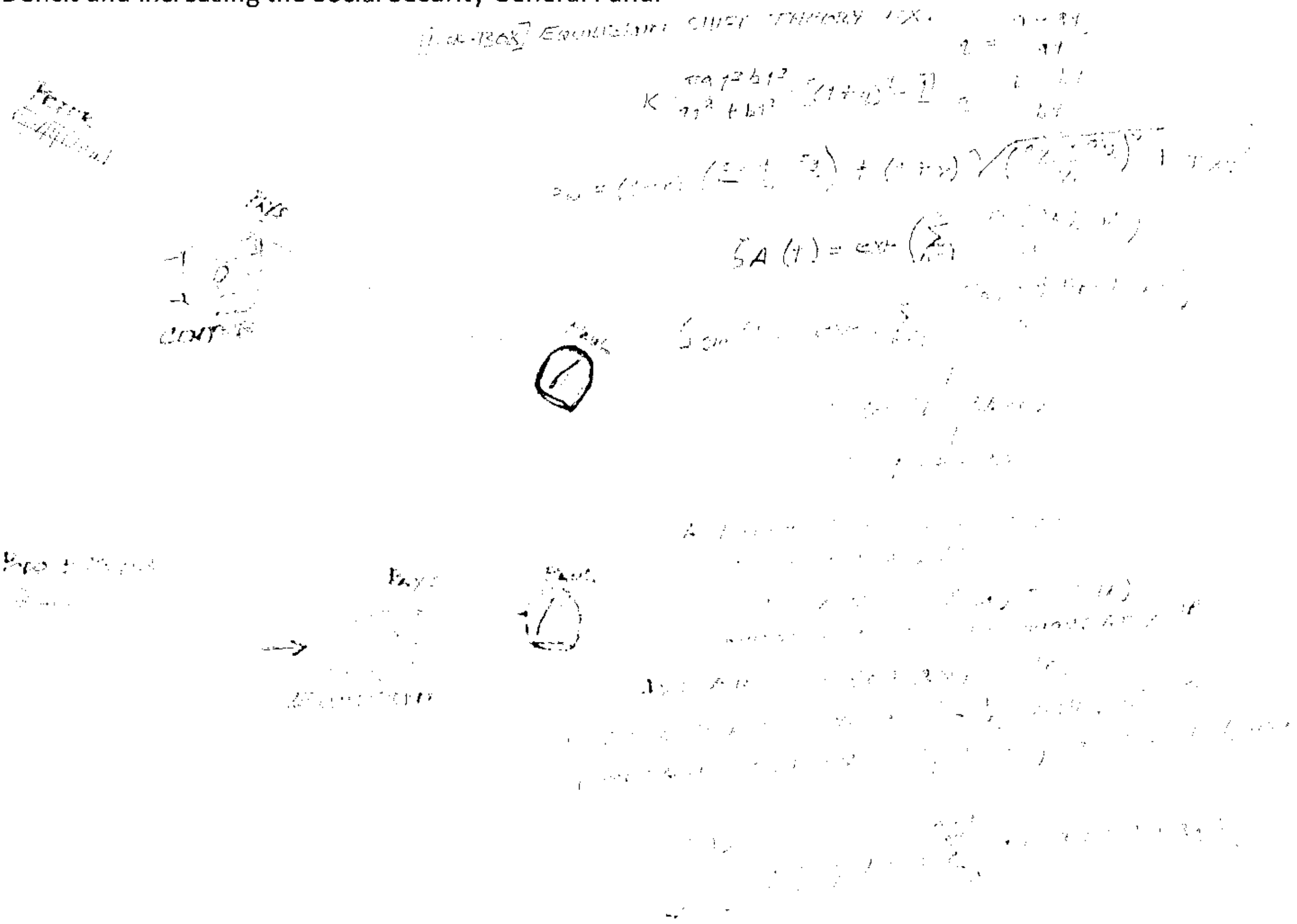
PATTERN or PRACTICE(S): [Title VII Civil Rights Act of 1964, Sec. 706(g), and 707(a) 42 U.S.C. Sec. 2000-5,6(a) see Teamsters v. United States 431 U.S., No. 75-636, (1977); Frank v. Bowman Transportation Co. Inc. 424 U.S., No. 74-728 (1976); and 8.04 Employment Discrimination, McDonnell Douglas – Proving Pretextuality , Disparate Treatment, McDonnell Douglas v. Green, 411 U.S. at 805 (1973)].

[Lock-Box], as representative of 19 C.F.R. 175.3(c) Domestic Interested Party: (Labor organizations/unions: United Steel Workers; AFSCME; AFL-CIO; Teamsters; UAW; Other, other, other; and Indian Tribes to USCIT.) A Trade or business association, a majority of whose members manufacture, produce, or wholesale a like product in the United States (including National-American Indians (National Origin) Organizations).

CONGRESS MUST NOW [ACT]: TO RETROACTIVE EFFECT TRADE

BASES IN LAW; DISPARATE IMPACT THEORY (DATA)

Two-hundred and twenty-five (225) years of economic and law theory does not support (current) post industrial [Trade/Free] models on PROTECTIONS of U.S. revenue and labor. The [LOCK-BOX] brief (strict construction) on the equalization of Cost of Production challenges the constitutionality of law, as amended (1 Stat. 24, Title 19 U.S.C. sec. 114, 181, 315, 336, 338, & Title VII National Origin [U.S. American Indian descendants] (Disparate Impact Theory, Pattern and Practice)) and other, current use; and Imposing higher internal revenue taxes or rates on imported merchandise (balancing the export exchange); and thereby, decreasing the Federal Deficit and increasing the Social Security General Fund.



TO INTERPRET THE ABOVE FIGURE:

Pull an old golf club from your bag to determine our equilibrium. Balance the driver horizontally on your index finger. Notice that the center of the club is not the equilibrium. We must slightly shift right of center to achieve equilibrium, bringing the club into perfect horizontal balance. This slight shift right of centeris all that occurs on this page. As always, to the complexities of any problem or [DEFICIT or SSA] is an eloquent and simple solution.

Applicant-Pro se, Eric Devon Moore (hereinafter collectively [LOCK-BOX]) alleges that the United States Government (U.S. Customs and Border Protection and U.S. International Trade Commission) policy have engaged in a Title VII Disparate Impact Theory, PATTERN or PRACTICE of discrimination against [U.S.] Domestic LABORERS (manufactured, mined, produced, or wholesaled) of National Origin for relief of Foreign Laborers, who receives lower wages.

United States Code Annotated Title 19 Customs Duties, Chapter 4 Tariff Act of 1930, Subtitle II Special Provisions, Part II United States International Trade Commission sec. 1336 Equalization of Costs of Production. In order to put into force and effect the policy of Congress by this chapter intended, the commission (1) upon request of the President, or (2) upon resolution of either or both House of Congress, or (3) upon its own motion, or (4) when in the judgment of the commission there is good and sufficient reason therefor, upon application of any interested party shall investigate the differences in the costs of production of any domestic article and of any like or similar foreign article.

Ascertainment of differences in costs of production. The term "costs of production", when applied with respect to either domestic article or foreign article, includes, for a period which is representative of conditions in production of the article: (A) The price or cost of materials, LABOR COSTS...; and (C) other relevant factors that constitute an advantage or disadvantage in competition.

Title VII sec. 707(a) of The Civil Rights Act of 1964, 42 U.S.C. sec. 2000e-6(a) COMPLAINT: Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a PATTERN or PRACTICE of resistance to the full enjoyment of any of the rights secured by this subchapter, and that the PATTERN or PRACTICE is of such a nature and in intended to deny the full exercise of the rights herein described, the Attorney General may bring a civil action in the appropriate district court of the United States by filing with it a COMPLAINT (1) signed by him (or in his absence the Acting Attorney General), (2) setting forth facts pertaining to such PATTERN or PRACTICE, and (3) requesting such relief, including an application for a permanent or temporary injunction, restraining order or other order against the person or persons responsible for such PATTERN or PRACTICE, as he deems necessary to insure the full enjoyment of the rights herein described.

Section 703 (a) of Title VII makes it an unlawful employment practice, inter alia, for an employer to fail or refuse to hire any individual or otherwise discriminate against him with regard to his employment because of his race or National Origin.

Presidential proclamation, 63 Treas. Dec. 232, T.D. 46158: Whereas under and by virtue of section 336 of Title III, Part II, of the act of Congress approved June 17, 1930 (46 Stat. 590, 701), entitled "An Act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American Labor, and for other purposes," the United States Tariff Commission has investigated the differences in costs of productions.

Historically, in section 315 is that the declared plan of Congress, either expressly or by clear implication, formulates its rule to guide the President and his ADVISORY Tariff Commission as one directed to a tariff system of protection that will avoid damaging competition to the country's industries by the importation of goods from other countries at too low a rate to equalize foreign and domestic competition in the markets of the United States. It is contended that the only power of Congress in the levying of customs duties is to create revenue, and that it is unconstitutional to frame the customs duties with any other view than that of revenue raising. It undoubtedly is true that during the political life of this country there has been much discussion between parties as to the wisdom of the policy of protection, and we may go further and say as to its constitutionality, but no historian, whatever his view of the wisdom of the policy of protection, would contend that Congress since the first revenue act in 1789 (1 Stat. 24) has not assumed that it was within its power in making provision for the collection of revenue to put taxes upon importations and to vary the subjects of such taxes or rates in an effort to encourage the growth of the industries of the nation by protecting home production against foreign competition.

It is enough to point out that the second act adopted the Congress of the United States July 4, 1789 (chapter 2, 1 Stat. 24), contained the following recital: Sec. 1. Whereas it is necessary for the support of government, for the discharge of the debts (see Federal Deficit under [LOCK-BOX]) of the United States, and the encouragement and protection of manufactures, that duties be laid on goods, wares and merchandises imported. The enactment and enforcement of a number of customs revenue laws drawn with a motive of maintaining a system of protection since the revenue law of 1789 are matters of history.

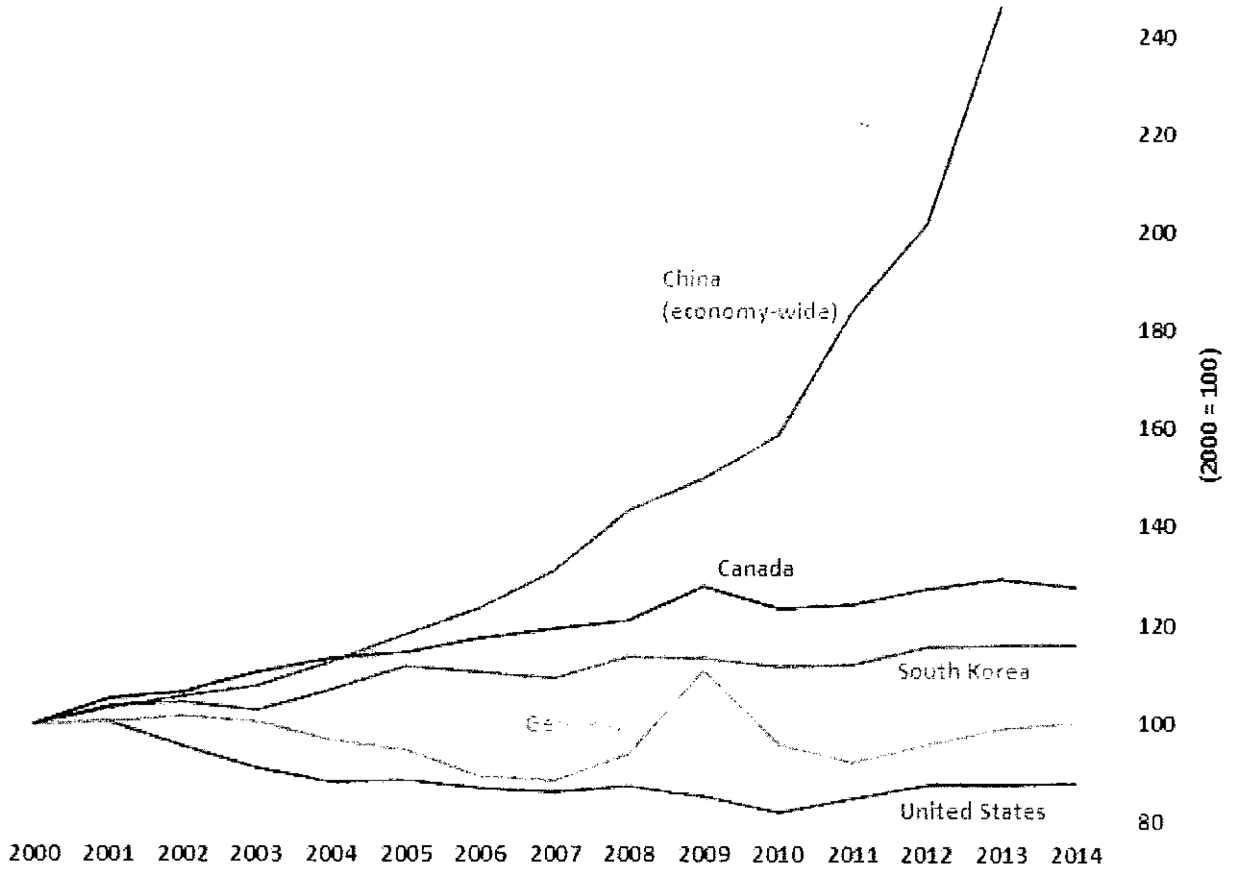
More than a hundred years later, the titles of the Tariff Acts of 1897 (30 Stat. 151) and 1909 (36 Stat. 11) declared the purpose of those acts, among other things, to be that of encouraging the industries of the United States. The title of the Tariff Act of 1922 (42 Stat. 858), of which section 315 is a part, is an act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes. Whatever we may think of the wisdom of a protection policy, we cannot hold it unconstitutional. So long as the motive of Congress and the effect of its legislative action are to secure revenue for the benefit of the general government (see Social Security General Fund under [LOCK-BOX]), the existence of other motives in the selection of the subjects of taxes cannot invalidate congressional action. Cited as: 276 U.S. 394, 48 S.Ct. 348.

Customs Duties 114. Statute directing President to levy additional import duties or embargo when unfair competition in importation and sale, tending to substantially injure domestic industry, has been established to his satisfaction held not unconstitutional delegation of legislative authority. Tariff Act 1922, sec. 316, 19 U.S.C.A. sec. 174-180; Const. art. 1, sec.8.

Sec. 1338. Discrimination by foreign countries (a) Additional duties (2) Discriminations in fact against the commerce of the United States, directly or indirectly, by law or administrative regulation or practice, by or in respect to any customs, tonnage, or port duty, fee, charge, exaction, classification, regulation, condition, restriction or prohibition in such manner as to place the commerce of the United States at a disadvantage compared with the commerce of any foreign country. (b) Exclusion for importation. If at any time the President shall find it to be a fact that any foreign country has not only discriminated against the commerce of the United States, as aforesaid, but has, after the issuance of a proclamation as authorized in subdivision (a) of this section maintained or increased its said discriminations against the commerce of the United States, the President is hereby authorized, if he deems it consistent with the interests of the United States, to issue a further proclamation directing that such products of said country or such articles imported in its vessels as he shall deem consistent with the public interests shall be excluded from importation into the United States. (d) Duties to offset commercial disadvantages. Whenever the President shall find as a fact that any foreign country places any burden or disadvantage upon the commerce of the United States by any of the unequal impositions or discriminations aforesaid, he shall, when he finds that the public interest will be served thereby, by proclamation specify and declare such new or additional rate or rates of duty as he shall determine will offset such burden or disadvantage, not to exceed 50 per centum ad valorem or its equivalent, on any product of, or on articles imported in a vessel of, such foreign country; and thirty days after the date of such proclamation there shall be levied, collected, and paid upon the articles enumerated in such proclamation when imported into the United States from such foreign country such new or additional rate or rates of duty; or, in case of articles declared subject to exclusion from importation into the United States under the provisions of subdivision (b) of this section, such articles shall be excluded from importation. June 17, 1930, ch 497, Title III, Part II sec. 338, 46 Stat. 704.

The [post industrial age] forces Congress to revisit the first revenue act of 1789 (1 Stat. 24), questioning the current constitutionality of policy protecting home production against foreign competition. [LOCK-BOX] contend that the Tariff Act of 1930, is amended, or must [than] be ratified. The founders of the first revenue act of 1789 did not account for a post industrial age where trade equals limited U.S. manufacturing of (like or similar domestic articles) and free trade in the U.S. market. The governing dynamics of equalization present prism negatively impacts the U.S. economy, limiting revenue and labor. Overwhelming evidence on the disparity of U.S. Labor to Foreign Labor (including the Department of Commerce cite average hourly wage U.S. $23.32 to China $1.36) is documented. American Laborers should not suffer (at the hands of its Congress) the force and effect of cheaper Foreign Labor, as the only way of life, nowadays.

Indexed Unit Labor Costs in the Manufacturing Sector of Selected Countries, 2000-2014


240
220
200
180
160
140
120
100
80
(2000 = 100)
China
(economy-wide)
Canada
South Korea
United States
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014

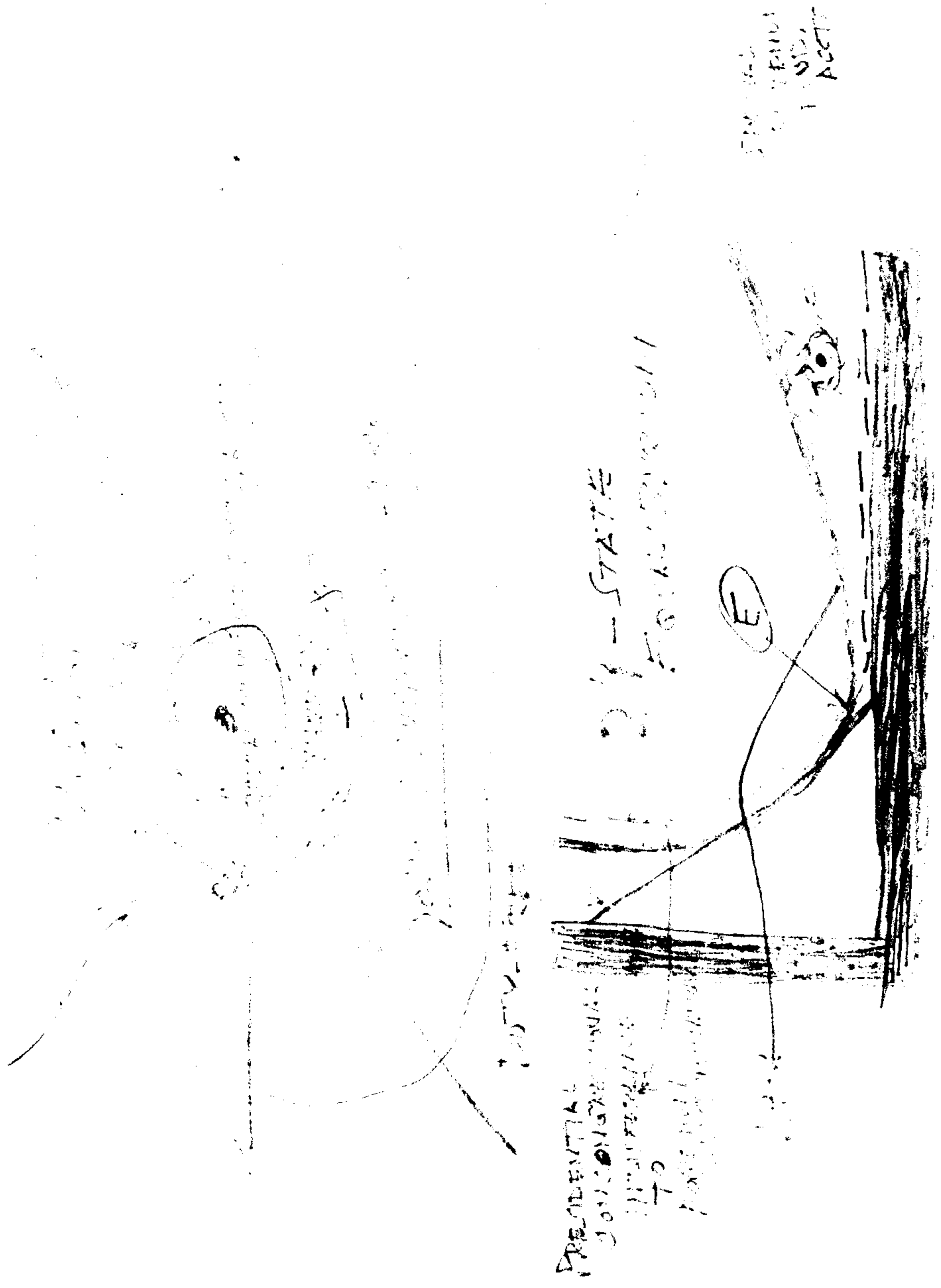
Note. Data for China available only through 2013

Source. Economics and Statistics Administration analysis of data from Bureau of Labor Statistics, International Labor Comparisons program and National Bureau of Statistics of China.

The U.S. Customs and Border Protection/U.S. International Trade Commission have failed to properly advise our President (including our Congress) on subject matter, and recklessly omitted employment representing facts, as such. The Attorney General must take concrete steps to enforce its injunctive relief in these matters of alleged PATTERN or PRACTICE(S).

To equalize U.S. Trade a slight shift right of center governing current trade trends occur within [LOCK-BOX]. Now comes [LOCK-BOX] Summons and Compliant under 28 U.S.C. sec. 1581(c), Tariff Act of 1930, section 516A(a)(1),a(2), 19 U.S.C. sec. 1516a to the United States Court of International Trade, forthwith.

Congress must now [Act] to address trade in support of the stability of its Deficit and Social Security General Fund. [LOCK-BOX]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The following articles taken from: 'The Wall Street Journal,' Aug. 17, 2015 – Vol. CCXVI NO. 40.

STEELWORKERS RALLY IN TIME OF STRUGGLE

This is the week when steelworkers take to the factory gates to march in solidarity, make speeches and chant slogans. September 1 deadline looming for notching a new three year labor deal with two of the country's top steelmakers, the United Steelworkers union is organizing a "week of action for fair contracts." The 30,000 workers whose wages and benefits are being hashed out this summer in Pittsburgh hotel rooms will rally at a dozen or so sites run by U.S. Steel Corp. and ArcelorMittal USA LLC.

Both workers and companies are struggling. Steel prices in the U.S. have tumbled more than 20% since Jan. 1 because of inexpensive imports, a sluggish economy and the collapse of oil prices that has hurt demand for steel pipes and tubes used in oil and gas drilling. Both companies have closed plants and laid off workers. U.S. Steel lost $261 million in the second quarter.

These labor talks are the first in a generation to be held during a down market. During the past two negotiating sessions—in 2008 and 2012—prices were strong. Workers had bargaining leverage, and they negotiated solid blue-collar paychecks including healthcare benefits and wages well over $50,000 a year.

This time around, the shoe is on the other foot. The companies say they need a more favorable deal to stay in business. "We cannot base our 2015 contract on a hope that a return to a new steel and commodities boom is ahead," said Bill Steers, a spokesman for ArcelorMittal. Workers don't see it that way.

Management, USW says on its website, is using a "temporary downturn in the domestic steel market as an excuse to permanently gut workers' contract language and benefits." The rallies are being held to "show management that we're strong and united and ready to do whatever it takes to win a fair contract." They're upset, among other things, about U.S. Steel CEO Mario Longhi receiving a $7.6 million compensation increase as he issued layoff warnings to over 9,000 workers. Mr. Longhi said in May that his raise had generated "a lot of noise" because it was announced around the time of the layoffs. "They want us to give concessions, yet they make millions," said a worker at a U.S.Steel facility, who declined to be identified for fear of losing his job. "So, yes, people are upset when you hear they want us to pay for insurance, change vacation structure and so forth."

At the heart of the contentions: Health care.

The companies want to raise health-care premiums for U.S. workers and retirees.

Not having workers pay some health-care costs puts the company "in an unfair position," ArcelorMittal Chief Executive Lakshmi Mittal said in a recent interview. ArdcelorMittel has proposed freezing pay, cutting total compensation for some workers and requiring monthly health-care premiums of $150 for individuals and $250 for families. U.S. Steel has a similar proposal.

The current health plan at both steelmakers doesn't require workers to pay any premiums, while at similar industrial companies, employees make significant contributions to their medical benefits package. Health-care premiums are also a big issue for United Auto Workers union, which is negotiating a new contract with Ford Motor Co. and Fiat Chrysler Automobiles NV, with a Sept. 14 expiration. Like steelmakers, car companies say rising medical costs are Unsustainable.

UAW President Dennis Williams is also keen on finding new ways to keep health-care costs in check, rather than shift more of the cost burden onto members. Combined, Ford, GM and Fiat Chrysler will spend more than $2 billion a year on health-care costs for its U.S. hourly workers in 2015, or about $14,800 per worker.

The USW rallies will range widely. On Wednesday afternoon, for example, there will be a "Solidarity in Steel" rally in Steelton, Pa., near an ArcelorMittal plant. A "Solidarity on the Iron Range" rally will be held Thursday afternoon in Virginia, Minn., for workers at an iron-ore mine co-owned by both companies and Cliffs Natural Resources Inc. A "Day of Action and Solidarity" will take place Friday morning in Braddock, Pa., site of U.S. Steel's last big Pittsburgh area mill.

WEAKER YUAN HAS METALS MARKETS ON EDGE

Currency's devaluation sets the stage for another swell of Chinese exports.

Hong Kong—China, the world's biggest producer of aluminum and steel, has sharply increased exports of the metals this year in response to production overcapacity and the country's slowing economy. Now, following Beijing's devaluation of the yuan, markets are bracing for possibly more-aggressive exports in the price-sensitive metals industry. How much more market share Chinese producers might grab—exports have already risen more than 25% this year—will depend on whether the yuan falls farther than the initial drop.

Global commodity prices dropped sharply after the People's Bank of China reset the yuan's exchange rate early last week. Traders and analysts say that was a reflection of concerns over a slowing Chinese economy—China is a huge consumer of raw materials—and the higher cost of imports in yuan terms.

Weakened by devaluation, crude oil prices on the New York Mercantile Exchange fell to a more than six-year low of $41.35 a barrel last week. Copper and aluminum futures on the London Metal Exchange also tripped to six-year lows of $5,062 a ton, a metric ton and $1,553.50 a ton, respectively leaving them down 19% and 15%, respectively, in 2015. After allowing the yuan to fall around 3% against the dollar, China's central bank said the currency should stabilize and that there was no basis for further weakness. Global steel prices may fall as a result of China's move, said Ivan Szpakowski, Hong Kong-based analyst with Citi Research.

Economists said China's exchange-rate realignment is designed in part to spur the country's exports. The metals industry is one sector where China's exports were already sizzling. Its aluminum exports in the first seven months of the year have climbed 28.3% to 62.13% million tons, according figures from

Citi Research. The metals markets globally are feeling the impact of significant production capacity increases by China's big metals makers in recent years, moves that have left many with too much capacity just as the domestic economy slows and demand falls away from sectors like the home-building industry. The result has been a flood of cheap Chinese steel onto world markets.

"Particularly for steel, the situation has been that the relatively cheap Chinese exports going into Europe and North America have been getting a lot of resistance from these countries," said Daniel Hynes, an analyst at Australia & New Zealand Banking Group Ltd.

The U.S. steel industry has also been stepping up efforts to challenge Chinese imports. Major U.S. producers say cheap imports have undercut their Prices, forcing them to idle plants and eliminate thousands of jobs. A group of major U.S. steel-makers, including United States Steel Corp., Nucor Corp., Steel Dynamics Inc., ArcelorMittal USA, AK Steel Corp., and California Steel Industries, has filed trade complaints with U.S. International Trade Commission and U.S. Department of Commerce, seeking punitive TARIFFS on cheap Chinese steel.

Increasingly, complaints of selling below costs, or dumping, are being made to the Geneva-based World Trade Organization (WTO). There were 89 cases filed last year (2014) alleging that China or other trading partners sold products including steel and aluminum below cost. That was more than double the 43 cases filed in 2010.

CHINA'S ECONOMIC WOES ECHO IN U.S. CORPORATE EARNINGS

"China was weak in the quarter, and we expect it to be weak as we move forward," Robyn Denholm, chief financial officer of Juniper Networks Inc., told investors. China pulled down the networking-gear maker's Asia-Pacific revenues by 3% from the prior quarter; without China, they would have risen 11%. Authorities have intervened in financial markets by devaluing the currency, a move that would help Chinese exporters while pinching some U.S. companies by making their products more expensive for Chinese buyers. Chinese officials are trying to keep the economy growing at 7%....

It comes at a tough time for U.S. businesses. Overall, companies in the S&P 500 index are on track to eke out a 1.2% increase in second-quarter earnings, according to data from Thomson Reuters. That is the slowest growth since fall 2012. The modest earnings growth was recorded on a 3.5% decline in revenues—the biggest drop in nearly six years—suggesting that much of the profit gain is from cost-cutting, buybacks or other maneuvers, rather than increased sales.

The slowdown in China was evident last quarter in everything from business flights to elevator sales to car purchases. Rockwell Collins Inc. said the flight-services industry has seen international business-jet flight fall 10% this year, largely in and out of China.... Dupont Co., which makes temperature-resistant materials for components in the automotive industry, lowered its growth forecast for the Chinese auto industry in the second half of the year to between 2% and 3%, from past rates of 5% or higher. General Motors Co. painted a similar picture, and also said prices across the industry were likely to fall 5% to 6% for the year compared with a prior forecast of a 3% decline.

But U.S. log and lumber exports to China were down by about half, Plum Creek Timber Co.'s finance chief told analysts triggering increased inventories and lower prices. Weyerhaeuser also said higher-than-normal log inventories in China were pressuring prices. The strong dollar, meanwhile, means China can buy logs more cheaply from Russia and New Zealand, reducing shipping costs. "I think to the extent they can, the Chinese will buy more from those particular outlets and less from North America," Plum Creek CEO Rick Holley said recently.

Over time, China's currency devaluation could lower labor costs there, making it more cost-effective to produce within the country and stoking the domestic economy, analysts said. "The key factor is not what happens in a single quarter, but what are the longer dynamics at work," said Craig Charney, president of Charney Research and research director of China Beige Book, which publishes independent economic data from China. "China is moving away from an economy where exports are the bellwether, to where retail and services count for more in terms of driving growth.

ONE PROTECTIONIST GROUP IN WASHINGTON IS CLAIMING THAT THREE (3) MILLION MANUFACTURING JOBS HAVE BEEN LOST TO LOW-COST IMPORTS. Senators Lindsey Graham of South Carolina and Chuck Schumer of New York are proposing a 27.5% TARIFF against imported goods from China. 'The Wall Street Journal,' March 17, 2006, COMMENTARY: TRADE DEFICIT DISORDER.

'BALTIMORE Chronicle & Sentinel,' on Feb. 28, 2006 reported: WHEN AMERICANS NO LONGER OWN AMERICA.

Do away with those tariffs, they said, because they "restrain trade." Let everything in, and tax nothing. The result has been an explosion of cheap goods coming into our nation, and the loss of millions of good manufacturing jobs and thousands of manufacturing companies. Entire industry sectors have been wiped out.

These policies have kneecapped the American middle class. Our nation's largest employer has gone from being the unionized General Motors *(to U.S. government's largest payroll of employees)* to the poverty-wages Wal-Mart. Americans have gone from having a net savings rate around 10 percent in the 1970s to a minus .5 percent in 2005—meaning that they're going into debt or selling off their assets just to maintain their lifestyle.

At the same time, federal policy has been to do the same thing at a national level *(Hillary Clinton).* Because our so-called "free trade" policies have left us with an over $700 billion annual trade deficit, other countries are sitting on huge piles of the dollars we gave them to buy their stuff (via Wal-Mart and other "low cost" retailers). But we no longer manufacture anything they want to buy with those dollars.

So instead of buying our manufactured goods, they are doing what we used to do with Third World nations—they are buying us, the USA, chunk by chunk. In particular, they want to buy things in America that will continue to produce profits, and then to take those profits overseas where they're invested to make other nations strong... *(MAKE AMERICA GREAT AGAIN!)* American companies made profits that were distributed among Americans. They used their profits to build more factories, or diversify into other businesses. The profits stayed in America!

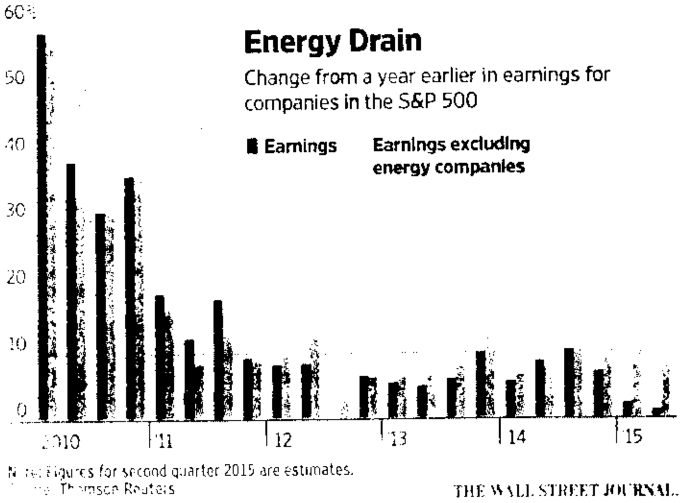
Today, foreigners awash with our consumer dollars are on a three-decades-long buying spree. The UK's BP bought Amoco for $48 billion—now Amoco's profits go to England. Deutsche Telekom bought VoiceStream Wireless, so their profits go to Germany, which is where most of the profits from Random House, Allied Signal, Chrysler, Doubleday, Cyprus Amax's US Coal Mining Operations, GTE/Sylvania, and Westinghouse's Power Generation profits go as well. Ralston Purina's profits go to Switzerland, along with Gerber's; TransAmerica's profits go to the Netherlands, and of course, John Hancock Insurance's profits go to Canada.

Foreign companies are buying up our water systems, our power generating systems, our mines, and our few remaining factories. All because "flat world" so-called "free trade" policies have turned us from a nation of wealthy producers into a nation of indebted consumers, leaving the world awash in dollars that are most easily used to buy off big chunks of America. As www.economyincrisis.com notes, US Government statistics indicate the following percentages of foreign ownership of American industry:

- Sound recording industries—97%
- Commodity contracts dealing and brokerage—79%
- Motion picture and sound recording industries—75%
- Metal ore mining—65%
- Motion picture and video industries—64%
- Wineries and distilleries—64%
- Database, directory, and other publishers—63%
- Book publishers—63%
- Cement, concrete, lime, and gypsum product—62%
- Engine, turbine and power transmission equipment—57%
- Rubber product—53%
- Nonmetallic mineral product manufacturing—53%
- Plastics and rubber products manufacturing—52%
- Plastics product—51%
- Other insurance-related activities—51%
- Boiler, tank, and shipping container—50%
- Glass and glass product—48%
- Coal mining—48%
- Sugar and confectionery product—48%
- Nonmetallic mineral mining and quarrying—47%
- Advertising and related services—40%

- Pharmaceutical and medicine—40%
- Clay, refractory, and other nonmetallic mineral products—40%
- Securities brokerage—38%
- Other general purpose machinery—37%
- Audio and video equipment mfg. and reproducing magnetic and optical media—36%
- Support activities for mining—36%
- Soap, cleaning compound, and toilet preparation—32%
- Chemical manufacturing—30%
- Industrial machinery—30%
- Securities, commodity contracts, and other financial investments and related activities—30%
- Other food—29%
- Motor vehicles and parts—29%
- Machinery manufacturing—28%
- Other electrical equipment and component—28%
- Security and commodity exchanges and other financial investment activities—27%
- Architectural, engineering, and related services—26%
- Credit card issuing and other consumer credit—26%
- Petroleum refineries (including integrated)—25%
- Navigational, measuring, electromedical, and control instruments—25%
- Petroleum and coal products manufacturing—25%
- Transportation equipment manufacturing—25%
- Commercial and service industry machinery—25%
- Basis chemical—24%
- Investment banking and securities dealing—24%
- Semiconductor and other electronic component—23%
- Paint, coating, and adhesive—22%
- Chemical product and preparation—20%
- Agriculture, construction, and mining machinery—20%
- Publishing industries—20%
- Medical equipment and supplies—20%

Thus it shouldn't surprise us that the cons have sold off our ports as well, and will defend it to the bitter end. They truly believe that a "NEW WORLD ORDER" with multinational corporations in charge instead of sovereign governments will be the answer to the problem of world instability. And therefore they must do away with quaint things like unions, a healthy middle class, and ultimately, DEMOCRACY.



Energy Drain
Change from a year earlier in earnings for companies in the S&P 500
Earnings
Earnings excluding energy companies
60%
50
40
30
20
10
0
2010
'11
12
13
14
15
Figures for second quarter 2015 are estimates.
Thomson Reuters
THE WALL STREET JOURNAL.

Labor Costs

- Hourly wages alone do not tell the complete story when deciding where to locate a manufacturing plant or supply chain.
- Labor costs in other countries have risen sharply. In some cases, these costs have risen faster than productivity.
- Finding and retaining qualified manufacturing workers is a key management challenge that accompanies a move overseas.

Labor Costs - Just One Cost to Assess

If hourly labor costs at a given point in time were the only measure of the cost of operating overseas, then the decision to go abroad would be straightforward. The perception that labor costs are decisive helped fuel movement of U.S. manufacturing abroad in recent decades, and businesses continue to cite labor costs as a top factor driving the decision about where to locate production. Indeed, raw hourly labor costs are significantly lower in some other countries.[i]

doubled since 2000.[iv] Canada and South Korea also faced rising unit labor costs, with 28- and 16-percent gains, respectively. In Germany, unit labor costs same several increases and decreases but ended the period almost exactly where they started.

Let's consider what these trends can mean to an individual business. Consider the hypothetical case of ACE Hyperwidgets, Inc., which is deciding where to establish a new widget production facility. Let's assume that it costs $30 per hour to hire a widget maker in the United States and 93 percent less, or just $2 per hour, to hire a widget maker in country X.[v] With this stark difference, ACE Hyperwidgets, Inc. could just end its analysis here, but it would be overlooking two huge issues: productivity differences and exchange rates. Production is less mechanized in country X and workers have lower educational attainment than in the United States. As a result, U.S. workers produce 20 widgets per hour, while workers in country X churn out just 5, or 75 percent fewer.[vi] Putting these data together, we see that the direct labor costs are $0.40 per widget produced in country X, or 73 percent less than in the United States. However, if we assume trends in Country X mirror those of China from 2000 to 2013, we see that these costs can change over the next ten years.

	United States	Country X	Percent Difference
Year 1			
Wage (local currency/hour)	$30.00	XD 10.00	
Exchange rate (local currency/US$)	1.00	5.00	
Wage in US$	$30.00	$2.00	-93%
Productivity (widgets/hour)	20	5	-75%
Unit Labor Cost (labor $/widget)	$1.50	$0.40	-73%
Year 10			
Wage (local currency/hour)	$40.05	XD 36.74	
Exchange rate (local currency/US$)	1.00	3.93	
Wage in US$	$40.05	$9.35	-77%
Productivity (widgets/hour)	29	12	-58%
Unit Labor Cost (labor $/widget)	$1.37	$0.76	-44%

Wage increases in country X can erode these savings over time, especially when wage growth outpaces workers' productivity gains. If relative wage, productivity, and exchange rate increases are comparable to those experienced by the United States and China between 2000 and 2013, then the unit labor costs for the United States would shrink to $1.37 and country X's would rise to $0.76. The resulting savings from offshoring would erode by about 40 percent, from 73 percent to 44 percent.

Turnover

Productivity alone does not explain the sizeable wage increases in many countries. One oft-cited factor driving wage growth is the difficulty firms in some countries have attracting and retaining staff, especially skilled workers. This difficulty forces companies to raise wages in an effort to retain workers and reduce turnover. Furthermore, firms incur costs as they find and train new workers to replace those who have quit. For example, a recent study from the Sri Krishna Institute of Management estimated that India's turnover rate would reach 27.5 percent in 2014. In contrast, the Bureau of Labor Statistics estimated that turnover in the United States was 22.0 percent in 2014.

One notable change in recent years is a reduction in turnover rates in China. According to Aon, a human resources consulting group, China's turnover rate in 2013 was only 18.9 percent-- -lower than the 20.3 percent rate in the United States that year.

Turnover imposes many costs on companies. These costs include expenses from substituting for the departing employee temporarily, compensation for the output of the temporary employee, exit interview expenses, costs associated with the job contract, the manager's time required to understand the causes of departure, previous investments in the employee's education and training, loss of institutional knowledge, and a decrease in productivity associated with the loss of an experienced employee. Overall, costs associated with turnover may be more than 1.5 times the annual wage of the worker. Turnover costs represent an estimated 12 percent of pre-tax income for the average Indian IT company, and for companies with more than 75 percent turnover, costs associated with turnover amount to 40 percent of pre-tax income.

Another study found that turnover affected the efficiency of plant operations in Mexico's maquiladoras (export plants in free-trade zones). According to the study, even when the costs of replacing workers are low, high turnover rates can result in considerable direct expenses for firms, as well as indirect costs in terms of reduced product quality, reduced productivity, and increased overtime costs. In this case, the increase in scheduled overtime actually led to additional turnover as workers were unable to juggle the extra factory hours with second jobs they held in the informal economy, which paid more per hour than the on-the-books overtime.

Turnover reflects just one aspect of the management burden and costs of coordination that accompany a move offshore. These burdens increase when the firm is a small- or medium-sized enterprise with little or no overseas experience. Lacking local contacts to oversee day-to-day operations, such firms are forced to send U.S.-based managers overseas, incurring the associated travel and opportunity costs, like time spent out of the office. If these firms instead try to hire local managers, they may find themselves in a quandary. Given already high turnover rates in these countries, managers, like skilled production workers, can be difficult to recruit and retain; indeed, lack of qualified employees and managers were the third and fourth most-cited human resource problems, respectively, according to the 2015 *Business Climate Survey*.

Other Labor Risk Factors

Rising wages, lower productivity costs, and difficulty with turnover are not the only factors to consider in the labor equation.

The Economist Intelligence Unit (EIU) aggregates these and other "labor market factors... likely to disrupt business operations" into a single measure of "labor market risk." These risk indicators feed into an overall score from 0 to 100, with 100 reflecting the highest risk to business profitability. The United States posted a score of 18, the third best score of the 180 countries assessed, ranking below only Liechtenstein and Switzerland. Japan and many European countries posted scores in the 20s, including Germany (29). Vietnam---increasingly the location of choice when China is too pricey —had a score of 64. According to EIU, China and Mexico also came in relatively high in terms of labor risk, with China posting a score of 61 and Mexico a score of 57.

However, this assessment of the cost of manufacturing outside the United States can be short-sighted. The expected savings from inexpensive foreign labor can be whittled away over time in numerous and unexpected ways. Labor costs can change quickly and substantially. Labor turnover in some countries can be particularly high, which directly leads to additional spending on recruiting new workers and indirectly to wage increases in order to maintain existing staff. Labor cost savings also may be partly offset by the risks of labor unrest and increasingly restrictive labor laws.

The Impact of Rising Wages on a Company's Bottom Line

Lower wage costs are one variable in a company's decision to manufacture or source from outside the United States. However, according to the 2015 *China Business Climate Survey*, the number one problem facing business for the previous three years has been increasing salary and wage expenses. As markets steadily open up to global commerce, wages continue to improve and enhance standards of living around the world. U.S. firms are often standard-bearers in labor practices when doing business globally.

Rising wages may impact the calculus of a company's margin of profit. In labor-rich markets like China, workers' wages have been climbing at a fast clip through the 2000s. Between 2000 and 2013, the average wage bill in China's manufacturing sector increased at a 13.9 percent annual rate, or close to six times the overall inflation rate, while average wages across all sectors increased at a similar 14.0 percent annual rate.[ii] In contrast, the hourly compensation of manufacturing workers in the United States increased at a 2.9-percent annual rate during the same period, or 0.5 percentage points faster than growth in consumer prices. If these growth rates were to continue, U.S. wages by 2020 would be about 4 times higher than Chinese wages, down dramatically from 2008 when U.S. wages were 20 times higher than wages in China.[iii] This changing calculus should give companies pause.

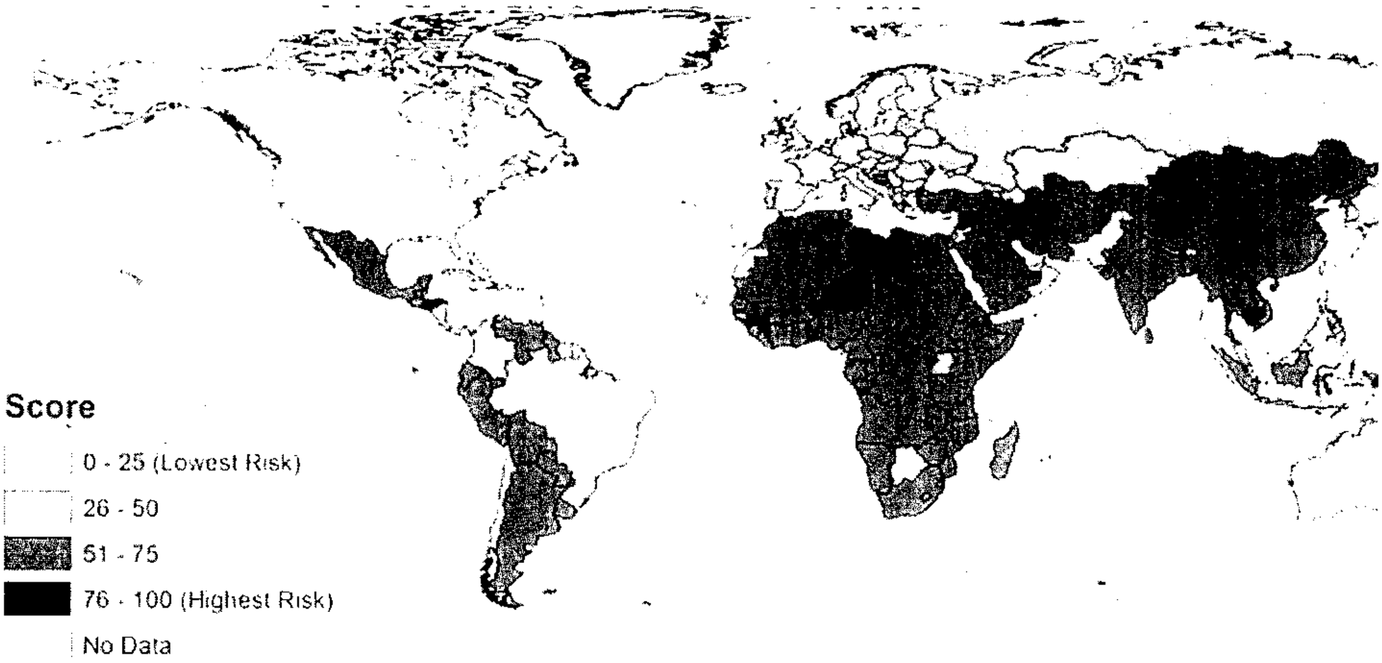
While China's rapid wage growth is not the norm in many other countries, manufacturing wage growth in a number of countries has easily outpaced wage growth in the United States — and may well surprise manufacturers who are not expecting such growth. Between 2000 and 2013, annualized manufacturing wage gains were, for example, 7.2 percent in Brazil, 5.9 percent in the Philippines, 6.6 percent in South Korea, and 8.0 percent in Poland.

Exchange Rates

The unpredictable direction of exchange rates further complicates the calculus. Even if changes are expected, firms need to remain cognizant of their impact on relative labor costs — and all costs discussed elsewhere in Assess Costs Everywhere. For instance, the Chinese yuan has increased in value, from a rate of 7.29 yuan per U.S. dollar at the beginning of 2008 to a rate of 6.20 yuan per U.S. dollar at the end of 2014. This marks an increase in value of nearly 18 percent, or more than 2 percent per year. How will costs look five years down the road if these trends continue or reverse?

In many other cases, however, the exact opposite has happened. Rather than strengthening against the dollar, many other currencies have gotten weaker over the recent past. The euro has declined from a high of around 1.40 U.S. dollars per euro in May 2014 to about 1.10 U.S. dollars per euro in July 2015. For most of 2014, one U.S. dollar bought about 102 yen, but that number began to rise late in the year, reaching a peak of 123 yen per U.S. dollar in July 2015. The U.S. dollar has also strengthened against the Australian dollar, the Canadian dollar, the Mexican peso, and the Thai baht.

Exchange rate forecasts are available from investment and economic consulting firms, often on a subscription basis. One good free source for exchange rate forecasts is the International Monetary Fund (IMF) and its World Economic Outlook database. Take note, however, that these forecasts are published in purchasing power parity (PPP) terms, which also adjust for other factors that determine how far the local currency goes in the local market. Nevertheless,



Source: Economics and Statistics Administration analysis using data from the Economist Intelligence Unit.

Conclusion

Foreign hourly labor costs are but one factor to consider in the overall labor cost equation. When deciding whether it is better to manufacture outside the United States, companies should also consider rising wages, lower productivity, difficulty with turnover, and relatively high labor market risks. Looking at the entire labor cost equation demonstrates the soundness of manufacturing in the United States.

[i] These data are hourly compensation costs, which include direct pay, social insurance expenditures, and labor-related taxes. Estimates of wages and of direct benefits, which primarily includes pay for leave time and bonuses, are available from the Conference Board.

[ii] Year-to-year percentage change in national average money wages by sector. Data are from China's Ministry of Labor and Social Security/Haver Analytics.

[iii] These growth rates also factor in exchange rates. The Chinese yuan has appreciated against the U.S. dollar at an annual rate of about 2.2 percent between 2000 and 2012, making the total effective annual growth rate in Chinese manufacturing wages 16.7 percent over this period.

[iv] Data are from China's National Bureau of Statistics/Haver Analytics. Figures for China's manufacturing sector are not available.

[v] Compensation includes wages as well as social insurance expenditures and labor-related taxes.

Hillary Clinton breaks with Obama on Trans-Pacific Partnership

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Last Updated Oct 7, 2015 4:47 PM EDT

Hillary Clinton said Wednesday she is "not in favor" of the Trans-Pacific Partnership (TPP), a massive free-trade deal that she had lauded while serving as President Obama's secretary of state.

"As of today, I am not in favor of what I have learned about it," Clinton said in an interview with the PBS News Hour, according to a clip released by the show.

Clinton said she doesn't believe the agreement will meet the "high bar" she has set of creating good American jobs, raising wages and advancing U.S. national security.

Play VIDEO

Trans-Pacific Partnership trade deal may boost jobs, critics say

"I have been trying to learn as much as I can about the agreement but I'm worried. I'm worried about currency manipulation not being part of the agreement. We've lost American jobs to the manipulations that countries, particularly in Asia, have engaged in. I'm worried that the pharmaceutical companies may have gotten more benefits, and patients and consumers fewer. I think that there are still a lot of unanswered questions," Clinton said.

Campaign 2016

Issues: What do they stand for?

She also said that there are more things the U.S. can do at home ... aise wages and criticized Re... s for blocking "everything President ... ried to do on that front."

Trump says of Clinton "she's trigger-happy and unstable"

One new Benghazi-related email found in trove of FE documents

http://www.cbsnews.com/news/hillary-clinton-breaks-with-obama-

OnTheIssues
Every Political Leader on Every Issue

Hillary Clinton on Free Trade V. OBAMA

Secretary of State; previously Democratic Senator (NY)

Sub-sections under Free Trade:

- Voting Record
- Other issues under Free Trade

I oppose CAFTA & TPP, but global economy needs trade

CLINTON: I voted for a multinational trade agreement, but I opposed CAFTA because I did not believe it was in the best interests of the workers of America. I did hope that the TPP, negotiated by this administration, I was holding out hope that it would be the kind of trade agreement that I was looking for. Once I saw the outcome, I opposed it. I have a very clear view. We have to trade with the rest of the world. We are 5 percent of the world's population. We have to trade with the other 95 percent. And trade has to be reciprocal. That's the way the global economy works. But we have failed to provide the basic safety net support that American workers need in order to be able to compete and win in the global economy.

SANDERS: I do not believe in unfettered free trade. I believe in fair trade which works for the middle class and working families, not just large multinational corporations. This is an area where the secretary and I have disagreements.

Source: MSNBC Democratic primary debate in New Hampshire , Feb 4, 2016

I absorbed new info and changed my mind to oppose TPP

Q: You supported Obama's trade deal, the Trans-Pacific Partnership or TPP, dozen of times. You even called it the "gold standard". Now, suddenly, last week, you're against it.

CLINTON: Well, actually, I have been very consistent. Over the course of my entire life, I have always fought for the same values and principles, but, like most human beings--including those of us who run for office--I do absorb new information. I do look at what's happening in the world. Take the trade deal. I did say, when I was secretary of state, three years ago, that I hoped it would be the gold standard. It was just finally negotiated last week, and in looking at it, it didn't meet my standards. My standards for more new, good jobs for Americans, for raising wages for Americans. And I want to make sure that I can look into the eyes of any middle-class American and say, "this will help raise your wages." And I concluded I could not.

Source: 2015 CNN Democratic primary debate in Las Vegas , Oct 13, 2015

Trans Pacific trade deal doesn't meet my standards

The Trans Pacific Partnership, which includes the US and 11 other nations, is the largest regional trade agreement in history. But as of today, I am not in favor of what I have learned about it. I don't believe it's going to meet the high bar I have set for creating jobs and advancing national security. I am also worried about currency manipulation not being part of the agreement, and that pharmaceutical companies may have gotten more benefits from the deal than their patients.

Source: PBS.org on 2015 presidential hopefuls , Oct 7, 2015

TPP must produce jobs, raise wages, & protect security

An MSNBC reporter asked Clinton on April 21 whether she had concerns about the Trans-Pacific Partnership, a trade agreement the Obama administration is in the process of negotiating, According to CBS, Clinton responded, "Any trade deal has to produce jobs and raise wages and increase prosperity and protect our security. We have to do our part in making sure we have the capabilities and the skills to be competitive. It's got to be really a partnership between our business, our government, our workforce, the intellectual property that comes out of our universities, and we have to get back to a much more focused effort in my opinion to try to produce those capacities here at home so that we can be competitive in a global economy."

Source: National Journal 2015 coverage of 2016 presidential hopefuls , Apr 27, 2015

Chief advocate for Trans-Pacific Partnership (TPP)

Within the populist Democratic movement, there is a rising tide against once-popular trade deals. Clinton has been involved with many of the pacts from her time as first lady, in the Senate and finally, as part of the Obama administration.

Clinton saw herself in the middle of the North American Free Trade Agreement (NAFTA) during her husband's presidency. She supported deals with Oman, Chile and Singapore during her tenure in the Senate. As secretary of State, she was a chief advocate as talks commenced surrounding the Trans-Pacific Partnership (TPP), one of the largest worldwide deals in recent history.

Many proponents of the agreements argue that negotiations need to take place in secret in order to protect the fragile interests of participating countries. This has not sat well with public interest groups and more liberal members of the Democratic Party.

Source: Megan R. Wilson in TheHill.com weblog, "Clinton vs. Warren" , Aug 24, 2014

TPP agreement creates more growth and better growth

Many proponents of the agreements argue that negotiations need to take place in secret in order to protect the fragile interests of participating countries.

At the State Department, Clinton didn't address specifics in the negotiating process, but told attendees at an Asia-Pacific Economic Cooperation (APEC) forum conference that she hoped it would "create a new high standard for multilateral free trade."

Critics have said that the agreement would ease regulations protecting both laborers & the environment, despite claims from Clinton to the contrary: "Our goal for TPP is to create not just more growth, but better growth. We believe the TPP needs to include strong protections for workers, the environment, intellectual property, and innovation," Clinton said at the event in 2011. "It should also promote the free flow of information technology and the spread of green technology, as well as the coherence of our regulatory system and the efficiency of supply chains."

Source: Megan R. Wilson in TheHill.com weblog, "Clinton vs. Warren" , Aug 24, 2014

Global trading system isn't up to standards of fairness

America worked to create a global economy. The current global trading system is distorted not only by barriers to entry in developing and emerging economies, but by the power of special interests in developed countries, including the US. To make trade fairer as well as freer, developing countries have to do a better job of improving productivity, raising labor conditions, and protecting the environment. In the US, we have to do a better job of providing good jobs to those displaced by trade.

Source: Hard Choices, by Hillary Clinton, p.509 , Jun 10, 2014

China benefits from WTO and should play by WTO rules

We should focus on ending currency manipulation, environmental destruction and miserable working conditions [in China]. I acknowledge the challenge of lifting millions of people out of poverty. China argued this outweighed any obligation to play by established rules. I countered that China and other emerging economies had benefited greatly from the system the US had helped create, including their membership in the World Trade Organization, and now they needed to take their share of responsibility.

Source: Hard Choices, by Hillary Clinton, p.513 , Jun 10, 2014

Have a trade prosecutor to enforce the trade agreements

Q: What would you do differently than a Pres. Obama would when it comes to the economy?

A: I would agree with Obama a lot, because it is the Democratic agenda. We are going to rid the tax code of these loopholes & giveaways. We're going to stop giving penny of your money to anybody who ships a job out to another country. We're going to begin to get the tax code to reflect what the needs of middle class families are so we can rebuild a strong & prosperous middle class. The wealthy & the well-connected have had a president the last 7 years, and it's time that the rest of the US had a president to work for you every single day. We will have a different approach toward trade. We're going to start having trade agreements that not only have strong environmental and labor standards, but also a trade time-out. We're going to look and see what's working & what's not working. I'd like to have a trade prosecutor to actually enforce the trade agreements that we have before we enter into any others.

Source: 2008 Democratic debate at University of Texas in Austin , Feb 21, 2008

AdWatch: Supported NAFTA in 1998; opposed CAFTA since 2005

Obama released a radio ad in S.C., in which the narrator says, "Hillary Clinton championed NAFTA even though it has cost South Carolina thousands of jobs. It's what's wrong with politics today. Hillary Clinton will say anything to get elected."

The ad's claim that Clinton "championed NAFTA" is misleading. It is true that Clinton once praised the North American Free Trade Agreement that her husband championed. As recently as 1998, she praised business leaders for mounting "a very effective business effort in the U.S. on behalf of NAFTA."

But her position on trade shifted before her presidential run: In 2005, for example, she voted against the Central America Free Trade Agreement (CAFTA), and she told Time in 2007 that "I believe in the general principles [NAFTA] represented, but what we have learned is that we have to drive a tougher bargain."

Source: FactCheck's AdWatch on 2008 Clinton radio ad on Free Trade , Jan 24, 2008

Criticized trade pacts for weak labor standards

Now courting labor and the environmentalist crowd, Hillary Clinton has come out against a trade pact with South Korea, but as senator, she has voted in support of free trade pacts with Oman, Chile and Singapore, even though she criticized them for what she said was their weak enforcement of international labor standards. In fact, she's voted for every trade agreement that has come before her except CAFTA, the Central American version of NAFTA, the pact the public has heard the most about.

Source: The Contenders, by Laura Flanders, p. 17 , Nov 11, 2007

FactCheck: for NAFTA while First Lady; now against CAFTA

Barack Obama accused Clinton of flip-flops on trade. Obama said, "Senator Clinton in her campaign has been for NAFTA previously, now she's against it."

Obama is partly right concerning the North American Free Trade Agreement. Clinton's views on NAFTA have shifted, but they shifted prior to her official run for the White House. Back in 1998, in a keynote speech given at the Davos Economic Summit, Clinton praised business leaders for mounting "a very effective business effort in the US on behalf of NAFTA," adding later that "it is certainly clear that we have not by any means finished the job that has begun." But by 2005 she was expressing reservations about free trade agreements, voting that year against the Central America Free Trade Agreement (CAFTA). And she told Bloomberg News in March 2007 that, while she still believes in free trade, she supports a freeze on new trade agreements--something she calls "a little time-out."

Source: FactCheck on 2007 Democratic debate at Drexel University , Oct 30, 2007

Export from big agribusiness, but also from small farmers

Q: How do you protect American jobs without setting up a situation where other countries discriminate against the things we're trying to export, particularly agricultural exports?

A: We do export a lot of agricultural goods, many of that through trade agreements. And I think we've got to do three things.

1. We have to have more focus on family farms. We've got to do more to make sure trade agreements are not only good for the exporting of agricultural products from great, big agribusiness, but also for small farmers.
2. We've got to do more to build up the agricultural and rural areas of our country.
3. And trade needs to become a win-win. People ask me, am I a free trader or a fair trader? I want to be a smart, pro-American trader. And that means we look for ways to maximize the impact of what we're trying to export and quit being taken advantage of by other countries.

Source: 2007 Democratic primary debate on "This Week" , Aug 19, 2007

Smart, pro-American trade: NAFTA has hurt workers

This past weekend, you expressed some disappointment that NAFTA, in your words, did not realize the benefits that it promised. How would you fix it?

A: Well, I had said that for many years, that NAFTA and the way it's been implemented has hurt a lot of American workers. In fact, I did a study in New York looking at the impact of NAFTA on business people, workers and farmers who couldn't get their products into Canada despite NAFTA. So, clearly we have to have a broad reform in how we approach trade. NAFTA's a piece of it, but it's not the only piece of it. I believe in smart trade. Pro-American trade. Trade that has labor and environmental standards, that's not a race to the bottom but tries to lift up not only American workers but also workers around the world. It's important that we enforce the agreements we have. That's why I've called for a trade prosecutor, to make sure that we do enforce them. The Bush administration haven't been enforcing the trade agreements at all.

Source: 2007 AFL-CIO Democratic primary forum , Aug 7, 2007

No fast-track authority for this president

It's important that we have good information to make judgments. And when I looked at some of the trade agreements that the Bush administration sent our way, I voted against CAFTA. I don't want to give fast-track authority to this president.

Source: 2007 AFL-CIO Democratic primary forum , Aug 7, 2007

Better approach: real trade adjustment assistance

We've got to have a better approach to trade around the world. And it's important that we have an idea of how to maximize the benefits from the global economy while minimizing the impact on American workers. That includes things like real trade adjustment assistance and other support.

Source: 2007 AFL-CIO Democratic primary forum , Aug 7, 2007

End tax breaks for outsourcing jobs

Q [to Sen. Gravel]: A lot of Americans are concerned with outsourcing of US jobs. What's your solution?

GRAVEL: Outsourcing is not the problem. What is the problem is our trade agreements that benefit the management & the shareholders.

CLINTON: Well, outsourcing is a problem, and it's one that I've dealt with as a senator from New York. I started an organization called New Jobs for New York to try to stand against the tide of outsourcing, particularly from upstate New York and from rural areas. We have to do several things: end the tax breaks that still exist in the tax code for outsourcing jobs, have trade agreements with enforceable labor and environmental standards, help Americans compete, which is something we haven't taken seriously. 65% of kids do not go on to college. What are we doing to help them get prepared for the jobs that we could keep here that wouldn't be outsourced--and find a new source of jobs, clean energy, global warming, would create millions of new jobs for Americans.

Source: 2007 Democratic Primary Debate at Howard University , Jun 28, 2007

Defended outsourcing of US jobs to India

In India, she defended American outsourcing of jobs--which benefits India enormously--and predicted that it would continue and grow. "Outsourcing will continue," Mrs. Clinton said in New Delhi. "There is no way to legislate against reality... We are not in favor of putting up fences." Hillary acknowledged the pressures to curb outsourcing: "I have to be frank," she said. "People in my country are losing their jobs, and the US policymakers need to address this issue."

Source: Condi vs. Hillary, by Dick Morris, p.165 , Oct 11, 2005

Globalization should not substitute for humanization

As with any sweeping change in history, there are those who are great proponents of globalization, [and] there are others who are great opponents. The real challenge is not to engage in an argument, but to try better to understand the forces that are at work and to harness those forces on behalf of society. To ensure that globalization, however one defines it, is never a substitute for humanization, never a force for marginalization, and not an enemy of the values that have long shaped our society.

Source: Remarks at The Sorbonne, Paris, France , Jun 17, 1999

Supports MFN for China, despite concerns over human rights

Clinton supported most favored nation trade status despite concerns about China's human rights record. "We have to use our our moral and material strengths in ways that serve our evolving interests," she said. "We have to ask ourselves what hope does the global market hold for the tens of millions of victims of child labor, or for the 100 million street children without homes or families whom I've seen everywhere from Brazil to Mongolia who are being left to fend for themselves."

Source: Dean Murphy, NY Times , Oct 20, 2000

Hillary Clinton on Voting Record

Though Bill supported it, Hillary opposed NAFTA

Liberal Democrats, including Hillary, opposed NAFTA primarily because it could take jobs away from American workers.
Source: For Love of Politics, by Sally Bedell smith, p.117 , Oct 23, 2007

Voted against CAFTA despite Bill Clinton's pushing NAFTA

In June 2005, Hillary voted with the bulk of her party against the Central American Free Trade Agreement (CAFTA). While the vote smacked of hypocrisy for many Democratic senators, it was particularly so for Ms. Clinton, whose husband had staked his administration's prestige on pushing NAFTA through Congress. Hillary also voted against giving the president the authority to submit trade agreements for fast-track approval--Bill Clinton pleaded with Congress annually, & in vain, for just such authority
Source: Condi vs. Hillary, by Dick Morris, p. 85 , Oct 11, 2005

Voted YES on free trade agreement with Oman.

Vote on final passage of a bill to implement the United States-Oman Free Trade Agreement.

Opponents of the bill say to vote NAY because:

- International trade can confer tremendous benefits on all of its participants. Unfortunately, the Oman Free Trade Agreement fails to live up to that potential.
- In 2001, the US entered into a similar trade agreement with the country of Jordan. The agreement was heralded for its progressive labor standards. However, we have recently seen in Jordan instances of foreign workers forced into slave labor, stripped of their passports, denied their wages, and compelled to work for days without rest.
- These incidents have been occurring in Jordan because Jordanian labor laws preclude protections for foreign workers. My fear in Oman is that they have far weaker labor standards, and that would lend itself to even worse conditions than in Jordan.
- When our trade partners are held to different, less stringent standards, no one is better off. When Omani firms can employ workers in substandard conditions, the Omani workers and American workers both lose. The playing field is not level.

Proponents of the bill say to vote YEA because:

- The Oman Free Trade Agreement sends a very important message that the US strongly supports the economic development of moderate Middle Eastern nations. This is a vital message in the global war on terrorism.
- Since the end of WWII, the US has accepted nonreciprocal trade concessions in order to further important Cold War and post-Cold War foreign policy objectives. Examples include offering Japan and Europe nonreciprocal access to American markets during the 1950s in order to strengthen the economies of our allies and prevent the spread of communism.
- Oman is quickly running out of oil and, as a result, has launched a series of measures to reform its economy. This free-trade agreement immediately removes Oman's uniform 5% tariff on US goods.

Reference: United States-Oman Free Trade Agreement; Bill S. 3569 ; vote number 2006-190 on Jun 29, 2006

Voted NO on implementing CAFTA for Central America free-trade.

Approves the Dominican Republic-Central America-United States-Free Trade Agreement entered into on August 5, 2005, with the governments of Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua (CAFTA-DR), and the statement of administrative action proposed to implement the Agreement. Voting YES would:

- Progressively eliminate customs duties on all originating goods traded among the participating nations
- Preserve US duties on imports of sugar goods over a certain quota
- Remove duties on textile and apparel goods traded among participating nations
- Prohibit export subsidies for agricultural goods traded among participating nations
- Provide for cooperation among participating nations on customs laws and import licensing procedures
- Recommend that each participating nation uphold the Fundamental Principles and Rights at Work
- Urge each participating nation to obey various international agreements regarding intellectual property rights

Reference: Central America Free Trade Agreement Implementation Act; Bill HR 3045 ; vote number 2005-209 on Jul 28, 2005

Voted YES on establishing free trade between US & Singapore.

Vote to pass a bill that would put into effect a trade agreement between the US and Singapore. The trade agreement would reduce tariffs and trade barriers between the US and Singapore. The agreement would remove tariffs on goods and duties on textiles, and open markets for services The agreement would also establish intellectual property, environmental and labor standards.
Reference: US-Singapore Free Trade Agreement Implementation Act; Bill S.1417/HR 2739 ; vote number 2003-318 on Jul 31, 2003

X

SOCIAL SECURITY GENERAL FUND

Its harshest critics often call Social Security a "Ponzi scheme" or a "chain letter." They argue that it threatens the welfare of younger generations as a result of declining "rates of return" and fiscal problems that they think threaten the sustainability of its benefit promises.

Yet these are but a few of the concepts that must be mastered to participate fully in Social Security policy discussions. In addition, there are numerous contemporary issues that must be examined. These include questions regarding economic effects, affordability, impact on the federal deficit, fairness to various groups, benefits adequacy, changes in disability policy, and generational equity. Social Security is a program that has been continually changing and adapting over the years to new social, economic and international conditions.

Debate about reforming the Social Security system is taking place in several contexts, among them ensuring the financial stability of the Social Security program itself, improving rates of return for higher earners (and reducing overall federal spending, particularly spending on entitlements.

Historically, as Berkowitz discussed in more detail, the actions in 1935 rejected a noncontributory, universal pensions program—the Townsend plan—and the use of means-tested programs as the primary vehicle for income support for the aged. They affirmed that a social insurance approach should be used to provide the foundation for the social welfare system and that, in the long run, means-tested programs should serve only to fill gaps between the benefits provided by social insurance and some minimum income level.

From the beginning, the Congress intended that private provision should play an important role for the upper-income aged. Committee reports explained that Social Security was structured explicitly to pay proportionately more to lower-wage workers on the presumption that they would be relying almost exclusively on public programs for their income support while higher-wage workers could be expected to supplement their benefits from their own sources. However, that method is now changing.

In 1935, the Congress rejected extensive reliance on means-testing as a mechanism for financing health services for the aged and decided, instead, to provide basic protection through a program using the social insurance approach. A means-tested program (Medicaid) was created only for people with limited resources who required services not covered by Medicare.

Noting some historic facts—you may have uncertainty about the future. Moreover, no one can know the level that inflation will be in the future, nor the returns or risks that would be associated with alternative forms of investment. There is fairly wide agreement among economists and politicians that the national government can provide the most effective protection against unanticipated inflation. It is relatively simple for a pay-as-you-go Social Security system to protect purchasing power of benefits: It may be possible, in theory, for the private sector to offer similar protection (Bodie, 1982, pp. 47—64; Myers, 1979). But many believe some government intervention is necessary to provide inflation insurance, perhaps through the issuance of indexed bonds (Buchanan, 1968, pp. 386—395; Ferrara, 1982; Hobbs and Powlesland, 1975; Robertson, 1981; and Weaver, 1981).

Intracohort Income Redistribution: A fundamental goal of social welfare policy since 1935 has been to ensure adequate protection against hardship (Brown, 1977). That is why Social Security replaces proportionately more of prior income of lower earners than of higher earners. Individuals and couples at the higher end of the income distribution can be presumed to be able to save for their own retirement to supplement public pensions. But only the government can effect the redistribution necessary to protect lower earners. Moreover, a program like Social Security can redistribute income on the basis of lifetime earnings, rather than current earnings. Current earnings, particularly those received close to retirement, may bear little or no relationship to the more relevant lifetime standard of living.

Protection Against the Imprudent: If society will support all aged and disabled members whose current incomes are inadequate, the imprudent need not save because they will be taken care of regardless of their lifetime earnings level. A mandatory public program can allow society to force the imprudent to shoulder their fair share of the burden of providing for the aged and the disabled (Musgrave, 1968).

Protection Against Myopia: If workers are myopic, in the absence of compulsion they undersave for retirement; a compulsory system can increase the welfare of society as a whole by correcting for individual myopia (Diamond, 1977, pp. 275—298; Feldstein, 1977; Pechman, Aaron, and Taussig, 1968).

Filialism: Blinder (1988, pp. 17—40) has argued that one of the more compelling arguments for government intervention is to respond to the concerns of the young for the economic well-being of their elders. A compulsory government program provides for the sustenance of each older generation by institutionalizing intergenerational transfers, he agrees, rather than relying on the individual generosity of the young.

Contributory Financing: Most (sometimes virtually all) of the resources needed to run the program are raised through explicit contributions (payroll taxes) collected from the employer and the employee. A worker's contribution is usually a fixed percentage of his or her wage income. Programs based on social insurance can be financed on a "pay-as-you-go" basis only because they are backed ultimately by the taxing power of the government.

Questions about the fairness of return may relate to any specific group of tax-payers identified by age, year of birth (or cohort), race, sex, marital status, or earnings level. The method of assessing fairness of return generally involves comparing tax contributions made to Social Security by a group to the actual or expected benefits received by the group.

The Social Security program is financed on a "temporary partially advance funded" basis, not far from a pay-as-you-go basis. As a result, the cost to each successive generation of workers will depend upon the average number of children earlier generations had, and the extent to which earlier generations experienced increases in average life span. For example, workers born in periods when birth rates were relatively low will need to pay relatively higher takes if benefit levels are to maintained for the relatively large cohorts of retirees collecting during their working careers. This is exactly the point we are at, [LOCK-BOX]: Peter can no longer afford to pay Cohort-Paul. Thus, the new equation is; International Cohort Popo + Peter pays Cohort-Paul. If Int'l Popo of [LOCK-BOX] continues to escape U.S. Constitutional Law, than, Social Security shall go-under—with the returns of millions of American Cohorts.

All researchers agree, and [LOCK-BOX] PROMISES, that almost all workers who reached retirement age could expect to receive at least their money's worth (for their employee taxes) in the form of Social Security retirement benefits; in other words, the Social Security retirement annuity was at least actuarially fair. They have, however, also found very large redistribution components, both intragenerational and intergenerational. Results of analysis of money's worth issues differ somewhat depending upon whether the analysis was empirical or hypothetical.

PROTEST: 1336 – EQUALIZATION OF COSTS OF PRODUCTION.

Articles: Paper Hats (19 C.F.R. HTSUS Classification: 6501.00.90.00 (year 1998); CHINA DUTY-FREE)

Made in "CHINA" sold for $40.00—U.S.C.A. 19 Customs Duties, Chapter 4 Tariff Act of 1930, Subtitle II Special Provisions, Part II U.S.CIT Commission, Section 1336—Equalization of Costs of Production: Ascertainment of difference in costs of production: (A) The price of cost of materials, LABOR COSTS...; and (C) Other relevant factors that constitute an advantage or disadvantage in competition.

Made in U.S.A. (SAMPLE INCLUDED) sold for $40.00. U.S. company can not compete under terms of foreign labor...; and other relevant factors that constitute a disadvantage in competition. (see Feltex Corp. v. Dutchess Hat Works. United States v. SAME, Customs Appeal Nos. 3640, 3641. Court of Customs and Patent Appeals, Feb. 5, 1934.

CONCLUSION:

[the PEOPLE v. ARISTOCRATS] is again at play here today.

For manufacturers, producers, wholesalers, miners, etc.—The works of U.S. Government (1956; 1958; 1979; TPP; and OTHERS) has proven [un]constitutional to millions of American LABORERS. See Pattern or Practice: [Title VII Civil Rights Act of 1964, Section 706(g), and 707(a) 42 U.S.C. 2000-5,6(a) see Teamsters v. Unite States 431 U.S., No 75—636, (1977); Franks v. Bowman Transportation Co. Inc,424 U.S., No. 74—728, (1976); and Section 8.04 Employment Discrimination, McDonnell Douglas – Proving Pretextuality, Proving Disparate Treatment, McDonnell Douglas v. Green, 411 U.S. at 805 (1973)].

Reducing the Federal Deficit; paying for U.S. infrastructure: roads, bridges, dams, gov't bldg., schools, etc.; and keeping Social Security's promise, by equalizing trade is [LOCK-BOX's] proposal.

Endnote - - - - - - - - - - - - - - -

39 F.2d 247, Court of Customs and Patent Appeals, FRISCHER & CO., INC., et al. v. BAKELITE CORPORATION et al., No.3009 (1930).

JS 44 (Rev. 08/16)

CIVIL COVER SHEET

County in which action arose: ____________

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

ERIC DEVON MOORE

(b) County of Residence of First Listed Plaintiff WAYNE
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*

DEFENDANTS

DONALD J. TRUMP

County of Residence of First Listed Defendant NEW YORK, NY
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- [X] 1 U.S. Government Plaintiff
- [ ] 3 Federal Question *(U.S. Government Not a Party)*
- [ ] 2 U.S. Government Defendant
- [ ] 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)* *(For Diversity Cases Only)*

	PTF	DEF		PTF	DEF
Citizen of This State	[X] 1	[ ] 1	Incorporated *or* Principal Place of Business In This State	[ ] 4	[ ] 4
Citizen of Another State	[ ] 2	[ ] 2	Incorporated *and* Principal Place of Business In Another State	[ ] 5	[ ] 5
Citizen or Subject of a Foreign Country	[ ] 3	[ ] 3	Foreign Nation	[ ] 6	[ ] 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

Click here for: Nature of Suit Code Descriptions.

CONTRACT
- [ ] 110 Insurance
- [ ] 120 Marine
- [ ] 130 Miller Act
- [ ] 140 Negotiable Instrument
- [ ] 150 Recovery of Overpayment & Enforcement of Judgment
- [ ] 151 Medicare Act
- [ ] 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- [ ] 153 Recovery of Overpayment of Veteran's Benefits
- [ ] 160 Stockholders' Suits
- [ ] 190 Other Contract
- [ ] 195 Contract Product Liability
- [ ] 196 Franchise

REAL PROPERTY
- [ ] 210 Land Condemnation
- [ ] 220 Foreclosure
- [ ] 230 Rent Lease & Ejectment
- [ ] 240 Torts to Land
- [ ] 245 Tort Product Liability
- [ ] 290 All Other Real Property

TORTS

PERSONAL INJURY
- [ ] 310 Airplane
- [ ] 315 Airplane Product Liability
- [ ] 320 Assault, Libel & Slander
- [ ] 330 Federal Employers' Liability
- [ ] 340 Marine
- [ ] 345 Marine Product Liability
- [ ] 350 Motor Vehicle
- [ ] 355 Motor Vehicle Product Liability
- [ ] 360 Other Personal Injury
- [ ] 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- [ ] 365 Personal Injury - Product Liability
- [ ] 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- [ ] 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- [ ] 370 Other Fraud
- [ ] 371 Truth in Lending
- [ ] 380 Other Personal Property Damage
- [ ] 385 Property Damage Product Liability

CIVIL RIGHTS
- [ ] 440 Other Civil Rights
- [ ] 441 Voting
- [ ] 442 Employment
- [ ] 443 Housing/ Accommodations
- [ ] 445 Amer. w/Disabilities - Employment
- [ ] 446 Amer. w/Disabilities - Other
- [ ] 448 Education

PRISONER PETITIONS

Habeas Corpus:
- [ ] 463 Alien Detainee
- [ ] 510 Motions to Vacate Sentence
- [ ] 530 General
- [ ] 535 Death Penalty

Other:
- [ ] 540 Mandamus & Other
- [ ] 550 Civil Rights
- [ ] 555 Prison Condition
- [ ] 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
- [ ] 625 Drug Related Seizure of Property 21 USC 881
- [ ] 690 Other

LABOR
- [ ] 710 Fair Labor Standards Act
- [ ] 720 Labor/Management Relations
- [ ] 740 Railway Labor Act
- [ ] 751 Family and Medical Leave Act
- [ ] 790 Other Labor Litigation
- [ ] 791 Employee Retirement Income Security Act

IMMIGRATION
- [ ] 462 Naturalization Application
- [ ] 465 Other Immigration Actions

BANKRUPTCY
- [ ] 422 Appeal 28 USC 158
- [ ] 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- [ ] 820 Copyrights
- [ ] 830 Patent
- [ ] 840 Trademark

SOCIAL SECURITY
- [ ] 861 HIA (1395ff)
- [ ] 862 Black Lung (923)
- [ ] 863 DIWC/DIWW (405(g))
- [ ] 864 SSID Title XVI
- [ ] 865 RSI (405(g))

FEDERAL TAX SUITS
- [ ] 870 Taxes (U.S. Plaintiff or Defendant)
- [ ] 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- [ ] 375 False Claims Act
- [X] 376 Qui Tam (31 USC 3729(a))
- [ ] 400 State Reapportionment
- [X] 410 Antitrust
- [ ] 430 Banks and Banking
- [ ] 450 Commerce
- [ ] 460 Deportation
- [ ] 470 Racketeer Influenced and Corrupt Organizations
- [ ] 480 Consumer Credit
- [ ] 490 Cable/Sat TV
- [ ] 850 Securities/Commodities/ Exchange
- [ ] 890 Other Statutory Actions
- [ ] 891 Agricultural Acts
- [ ] 893 Environmental Matters
- [ ] 895 Freedom of Information Act
- [ ] 896 Arbitration
- [ ] 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- [ ] 950 Constitutionality of State Statutes

4 10

V. ORIGIN *(Place an "X" in One Box Only)*

- [X] 1 Original Proceeding
- [ ] 2 Removed from State Court
- [ ] 3 Remanded from Appellate Court
- [ ] 4 Reinstated or Reopened
- [ ] 5 Transferred from Another District *(specify)*
- [ ] 6 Multidistrict Litigation - Transfer
- [ ] 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*: QUI TAM 31 USC § 3729(a); ANTITRUST; 19 CFR 176.11

Brief description of cause: FAILURE TO PAY/THEFT OF INTELLECT PROPERTY PROCEEDING USCIT

VII. REQUESTED IN COMPLAINT:

- [ ] CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND $ $1B(4) 7%

CHECK YES only if demanded in complaint:
JURY DEMAND: [X] Yes [ ] No

VIII. RELATED CASE(S) IF ANY *(See instructions):*

JUDGE ____________ DOCKET NUMBER ____________

DATE October 18, 2016

SIGNATURE OF ATTORNEY OF RECORD Eric D. Moore

FOR OFFICE USE ONLY

RECEIPT # ________ AMOUNT ________ APPLYING IFP ________ JUDGE ________ MAG. JUDGE ________

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☐ Yes
☒ No

If yes, give the following information:

Court: ______________________________

Case No.: ______________________________

Judge: ______________________________

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes
☒ No

If yes, give the following information:

Court: ______________________________

Case No.: ______________________________

Judge: ______________________________

Notes :

New Lawsuit Check List

Instructions: Put a check mark in the box next to each appropriate entry to be sure you have all the required documents.

- [x] Two (2) completed **Civil Cover Sheets.**

- [x] Enter the number of defendants named in your lawsuit in the blank below, add 2 and then enter the total in the blank.

  1 (# of Defendants) + 2 = 3 (Total) **Complaints.**

  Received by Clerk: [signature] Addresses are complete: ______

Case:2:16-cv-14091
Judge: Friedman, Bernard A.
MJ: Majzoub, Mona K.
Filed: 11-18-2016 At 01:47 PM
CMP MOORE v. TRUMP (SO)

- [x] If any of your defendants are **government agencies**:
  Provide two (2) extra copies of the **complaint** for the U.S. Attorney and the Attorney General.

If Paying The Filing Fee:

- [ ] Current new civil action filing fee is attached.

  Fees may be paid by check or money order made out to:

  Clerk, U.S. District Court

  Received by Clerk: ______ Receipt #: ________________

If Asking That The Filing Fee Be Waived:

- [x] Two (2) completed **Application to Proceed in District Court without Prepaying Fees or Costs** forms.

  Received by Clerk: [signature]

Select the Method of Service you will employ to notify your defendants:

Service via Summons by Self

- [ ] Two (2) completed **summonses** for each defendant including each defendant's name and address.

  Received by Clerk: ______

Service by U.S. Marshal
(Only available if fee is waived)

- [x] Two (2) completed **USM – 285 Forms** per defendant, if you are requesting the U.S. Marshal conduct service of your complaint.

- [x] Two (2) completed **Request for Service by U.S. Marshal** form.

  Received by Clerk: [signature]

Service via Waiver of Summons
(U.S. Government cannot be a defendant)

- [ ] You need not submit any forms regarding the Waiver of Summons to the Clerk.

  Once your case has been filed, or the Application to Proceed without Prepaying Fees and Costs has been granted, you will need:

  - One (1) **Notice of a Lawsuit and Request to Waive Service of a Summons** form per defendant.
  - Two (2) **Waiver of the Service of Summons** forms per defendant.

  Send these forms along with your filed complaint and a self-addressed stamped envelope to each of your defendants.

Clerk's Office Use Only

Note any deficiencies here: